ALBANY, NEW YORK

January 17, 1995

3:05 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

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

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

And now may we bow our heads for a moment of silence.

(A moment of silence was observed.)

The reading of the Journal, please.

THE SECRETARY: In Senate, Saturday, January 14th. The Senate met pursuant to adjournment, Senator Hoblock in the Chair upon designation of the Temporary President. The Journal of Friday, January 13th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

I'd like to recognize Senator Bruno.

SENATOR BRUNO: Madam President, may we return to reports of standing committees? I believe we have a report from the Finance Committee.

THE PRESIDENT: The Secretary will read the report of the Finance Committee, please.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following nomination: George C. Sinnott of Clifton Park, State Civil Service Commission.

THE PRESIDENT: I recognize Senator Bruno to move the nomination.

SENATOR BRUNO: Madam President, I do move the nomination of George C. Sinnott as President of the Civil Service Commission, and I

believe my colleague, Senator Dean Skelos, has some observations and comments.

SENATOR SKELOS: Thank you very much, Senator Bruno.

I was delighted to hear of George Sinnott's appointment by our new Governor, Governor Pataki, for this position. It's a great choice.

I want to give you a little bit of George Sinnott's background. He's a decorated Vietnam veteran, served from 1966 to 1968, was honorably discharged. He's been a long-time public servant; 1974 to '86, town of Hempstead, finished as their director of personnel. In Nassau County, he was also a director of personnel until moving to the Albany area to serve as a member of the New York State Employee Relations Board. He then moved to Clifton Park from my district in Baldwin where his career has skyrocketed because of a particular Senator, who his -- he now represents, our Senate Majority Leader, Joe Bruno.

Other achievements of George Sinnott, because George has always given back to the community. He was the Baldwin Rotary Club president; Friends of Mercy Medical Center, board of directors, it's a hospital in my district; the Society of Friendly Sons of St. Patrick, he was a founding member. They raise money for Mercy Hospital; and it goes on and on and on in all the professional associations that he's been a member of.

We've missed George in Nassau County because George, as director of personnel, went through some very difficult times when the county of Nassau was downsizing, but during those difficult times he treated all the employees of the county with respect and certainly all of those who were unfortunate enough to have to lose their job because of downsizing, he tried to work with them to find new jobs for them in the private sector and certainly to have counseling available for them.

We miss George in Nassau County,

and I know a lot of people are saying right now that, "George, you're lucky to get the commissioner's post", but it reminds me of a quote attributed to a very successful movie maker, Sam Goldwyn. Mr. Goldwyn said, "The harder I work, the luckier I get." This definitely applies to George, one of the hardest workers and one of the most gentle men that I have had the opportunity to know in my public career.

I want to congratulate George and his family and, if I could at this time, introduce his wife Judy; children Katie and Tim, who I've seen grow up over the years; his father Bill Sinnott, Sr., who came up from Florida; his brother is Bill Sinnott, Jr., who works for all of us here in the Senate; Bill's children, Mike and Laura, with a husband, Mike Cook; and, of course, George's other brother, Mike. There are a lot of Mikes and Bills in the Sinnott family, but we welcome all of you and we thank you for being here with us on what I know is a very special day, not only for George but the entire

Sinnott family.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Skelos.

I'd like to recognize Senator Levy.

SENATOR LEVY: Thank you very much, Madam President.

It's really a great honor and privilege to join with Senator Bruno and Senator Skelos in lauding George Sinnott. He's been a friend of mine, as he has been Dean and the other representatives from Nassau County, for many, many years. He compiled as the commissioner of personnel, not only in the town of Hempstead but most recently in Nassau County, an extraordinary record of achievement and accomplishment.

Let me just say again what I said in Finance. The hallmark, the tradition and the legacy of the job George did in Nassau County in the town of Hempstead was openness. He was pro gressive. He was accessible. He was respon

sible, and he just did the most outstanding job. When he left in mid-1993, that was Nassau County's loss and New York State's gain. I know he's going to do a great job, and I congratulate the Governor on this appointment.

THE PRESIDENT: Thank you, Senator Levy.

Senator Mendez.

SENATOR MENDEZ: Thank you, Madam President.

I also want to join in with my dear colleagues, Senator Bruno, Skelos and Levy, in -- in seconding the nomination of Mr. Sinnott.

I was very much impressed with his testimony in the Finance Committee, and as a minority person that I am -- I am Puerto Rican, as you know -- I was impressed with the kind of record that he achieved in Nassau County when he dealt -- when he opened up opportunities for Puerto Ricans, Hispanics and African-Americans to become part of government. He changed the entire structure and was really the provider of

equal opportunity for the citizens of the area. I think that he has had -- as has been expressed before, he has had vast experience in government and in the area of personnel, and we all feel that he's highly capable and highly qualified and, therefore, we congratulate Mr. Sinnott and the Governor for coming up with such an appointment.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Mendez.

Senator Tully.

SENATOR TULLY: Yes, Madam President.

I rise to speak in behalf of the nominee. He's a good friend of mine. I've known him for many, many years when I served in Nassau County. He's, in my opinion, the quintessential public servant. He's always available. He's accessible. He's fair, treats people with equanimity. He's dedicated, devoted, intelligent, every adjective that you could possibly think or ascribe to someone that

we would want to have represent us in dealings with the people that we serve, George Sinnott fits that adjective.

We missed him when he left Nassau County, but he hasn't gone very far. He'll be here and he'll give a little bit of a touch of Nassau County to the rest of the state, and I couldn't think of anyone I'd want to represent our fair county than George Sinnott.

Lots of good luck, George.

THE PRESIDENT: Thank you, Senator Tully.

Senator Markowitz.

SENATOR MARKOWITZ: Thank you very much.

I have to admit, I don't know Mr. Sinnott at all, but one thing I do know - I've read his resume. I heard him in committee today, and there's no question that the Governor has made a qualified appointment of someone that had the background and experience.

The part that interests me most, Senator Skelos, is that, as a member of the

Friendly Sons of St. Patrick, it is an honor for me as the Brooklyn Chair of the Loyal Legal Yiddish Sons of Erin to confirm this nomination and to wish him best wishes.

THE PRESIDENT: Thank you.

Does any other member wish to be heard on the nomination?

Senator Bruno.

SENATOR BRUNO: Yes, Madam President.

To Senator Levy, Senator Skelos and to the others, you're right, Nassau lost a great citizen, but Saratoga County, part of the 43rd Senatorial District, gained a citizen as did the state, so I just want to echo the sentiments of what has been said here on behalf of George.

He truly has been an outstanding public servant. He can be proud of his record and I'm sure his wife Judy and the children, Katie and Tim, look proud, as will be his father, Bill, who's here, and his brother George, who is a colleague and works with us

here in the Senate.

My congratulations to George, to his family, and wish you very, very well as you move forward now into a greater area of participation, using your expertise for public service as you have in the past.

Thank you.

THE PRESIDENT: Thank you, Senator Bruno.

The question is on the confirmation of the nominee. All those in favor?

(Response of "Aye".)

All those opposed, signify by saying nay.

(There was no response.)

The ayes have it. George C. Sinnott is hereby confirmed as member of the Civil Service Commission and President.

(Applause.)

The Secretary will read.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the

nomination of John E. Sweeney, of Schaghticoke, as Commissioner of Labor.

SENATOR LEICHTER: Madam President.

THE PRESIDENT: I'd like to recognize Senator Bruno to move the nomination.

SENATOR LEICHTER: Well, Madam President, I have a motion I would like to be heard. I believe I was on the floor with -

THE PRESIDENT: Sorry.

SENATOR LEICHTER: Thank you.

I want to move at this time -

SENATOR BRUNO: Madam President, excuse me. Who has the floor? Who has the floor?

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Who has the floor?

THE PRESIDENT: I believe Senator Bruno has the floor.

SENATOR LEICHTER: All right. Then, Madam President, I'd ask to be recognized. I understand he has the floor, but

I have the right, I believe, to be recognized.

SENATOR BRUNO: Before we place the name in nomination, Senator?

SENATOR LEICHTER: Yes, because I have a motion.

SENATOR BRUNO: I defer to Senator -

THE PRESIDENT: Thank you.

SENATOR LEICHTER: Thank you, Senator Bruno.

THE PRESIDENT: Senator Bruno yields the floor.

SENATOR LEICHTER: Madam President, thank you.

I want to move to lay the nomination on the table for a week and direct the Labor and Finance Committee in the interim to hold public hearings on Mr. Sweeney as the Governor's nominee for the position of Commissioner of Labor, and I'd like to be heard on the motion, Madam Chairman -- I mean, Madam President.

I'm making this motion because I

think that we're acting in undue haste without giving -

THE PRESIDENT: Sir, excuse me. I believe this is a non-debatable motion, so we should take a vote on it.

SENATOR BRUNO: That's correct.

SENATOR GOLD: Ask for your name -- slow roll call, you want your name called. Ask your name be called.

SENATOR LEICHTER: All right, Madam -- Madam President.

THE PRESIDENT: On the motion of Senator Leichter, all those in favor -

SENATOR LEICHTER: Just a second, Madam President. I think it's important that we have an opportunity to discuss this, and I would ask the indulgence of the Majority because I think certainly you would want to understand why I make this motion. I will keep it very brief and maybe somebody will want to respond, but I think that we ought to -- we ought to debate this, not just do it by a slow roll call but to just debate it briefly, if we can.

THE PRESIDENT: I'm going to recess for five minutes to discuss this.

SENATOR BRUNO: Madam President -- Madam President -- Madam President.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: This chamber has established rules, and we function by those rules, and the rules are such that state -- and, Senator, you know the rules as well as I do - you make your statement. It is not debatable. We should vote, and then a name will be placed in nomination and then you have an opportunity to make whatever comments at whatever length you so desire.

Now, those are the rules of the chamber presently. If we want to change the rules, we ought to take that up at a later time, but I would ask your indulgence in allowing me to place the name in nomination and following the rules of procedure here in the Senate.

SENATOR LEICHTER: Senator Bruno, I have no objection in doing it. You want to place the name in nomination, that's fine. Then

let me make my motion, and maybe that's the way it should have been done. You're absolutely correct. And then I would just ask an opportunity to make a few comments on why I have made the motion, maybe somebody wants to respond, and then we'll go to a vote.

THE PRESIDENT: First, I'd like to recognize Senator Bruno.

SENATOR BRUNO: Thank you, Madam President.

And it's with great pleasure that I move the nomination of John Sweeney as Commissioner of Labor for New York State.

THE PRESIDENT: Senator Leichter.

SENATOR LEICHTER: At this time, thank you, Madam President. Thank you, Senator Bruno.

I think we are now proceeding in a proper order, and the whole idea and purpose of my motion is to have us proceed in a proper order, to have us carry out our constitutional duty to give informed consent, not just consent, but to give informed consent to the Governor's

nominations.

I'm afraid that we have not done the background check, that we have not looked into this nominee's experience, that we have not given an opportunity for the public to be heard on what is an extremely important nomination, and for that reason at this point, I make a motion to lay the nomination on the table for one week and in the interim direct the Committee on Finance and the Committee on Labor to hold hearings on this nomination.

THE PRESIDENT: On the motion of Senator Leichter -- Senator Bruno, would you like to be recognized?

SENATOR BRUNO: I was going to suggest that we have a vote on this motion at this time, Madam President.

THE PRESIDENT: Thank you.

On the motion of Senator Leichter.

SENATOR GOLD: Madam President.

THE PRESIDENT: Senator Gold.

SENATOR GOLD: On the roll call,

I would just like my name called when it's appropriate.

THE PRESIDENT: On the motion of Senator Leichter, all those in favor, aye -- say aye.

(Response of "Aye".)

SENATOR GOLD: Madam President.

THE PRESIDENT: All those in favor say nay.

SENATOR GOLD: Madam President.

(Response of "Nay".)

SENATOR GOLD: Madam President.

THE PRESIDENT: Yes, Senator Gold.

SENATOR GOLD: I ask my name be called, so I can explain my vote.

THE PRESIDENT: Senator Gold.

SENATOR WALDON: And Senator Waldon.

SENATOR GOLD: Madam President, the confirmation process is not a game. It's a constitutional mandate. I'll say it again, it's a constitutional mandate, and way back when

there was a fellow named Rockefeller, who was the Governor of this state and I came to the Senate, I suggested that we ought to take that very seriously. Nobody paid attention. Then a crazy thing happened. Hugh Carey got elected governor and some of my Republican friends came over to me and said, "You know, Manny, that idea you had about taking the confirmation process seriously? It's a good idea. We're going to do it now."

Well, I'm telling you, it was a good idea then for Carey, it was a good idea for Cuomo, and it's a good idea today, too.

Now, I understand that there are people in this house, and our Majority Leader particularly, who are very friendly with the new Governor, and the new Governor is entitled to have his cabinet; the new Governor is entitled to his chance, but the process is important. I have seen the United States Senate in Democratic hands with Democratic Senators or vice versa, and they take the job seriously. Confirmation is serious.

Now, you're talking about a job here, the Commissioner of Labor, which affects the lives of millions of people that live in this state. The normal procedure would be for the Committee to hold a hearing, to reach out. Somebody said to me, "Gee, what's Labor's position on this? Do we have any memos here?" There ought to be. I can't believe it. We have somebody being nominated for the Commissioner of Labor, and I saw one memo, I think some fire organization, but can you believe there aren't memos? And in my opinion, there should have been an outreaching. The chairman of the Committee should want to know what these people think and, if the only thing these people can think is that they don't want to say anything, that ought to raise a question too.

But what is more important is that I understand that there are rumblings and rumors here about this gentleman, and I don't think that's fair. It's not fair.

I think Mr. Sweeney is entitled to an open debate in an open discussion and to

have all these questions answered, and there's a proper way to do it. We have had nominees come before the Senate before who -- where there have been sensitive issues here and there, and we've always done it as ladies and gentlemen and protected people's reputations and done it properly.

Now, there are other nominees of the Governor. I don't know whether hearings are scheduled. I don't think we have to find out at the last minute, but we came in today to Finance and the agenda which I hope somebody has, says we were taking these people subject to the substantive committees taking a look at them. We didn't even know at that point when the hearings would be, wouldn't be, or whatever. It's a bad practice. George Pataki is entitled to better; Sweeney is entitled to better, and more importantly, we're entitled to better.

Now, Senator Bruno started this session by saying he was making major reforms and I said when asked about it, "Terrific!" I'm not playing a partisan game. It's terrific but,

Senator Bruno, don't undercut yourself in the second week of session. I mean, you were at the committee meetings. Senator Franz Leichter was asking important questions, and you -- I don't know whether you thought he was finished or not, but at 20 after 1:00 you were ready to cut it - cut it off at that point. And why?

I don't think Sweeney has any... Mr. Sweeney has anything to hide. I certainly hope not, but this process has to be decent.

Senator Bruno, I say it in public again, you have my congratulations for the reforms that you're making, but people are funny. When it comes to the positives, they forget those pretty quick, and the negatives they remember a long time. Don't tarnish what you're trying to do by creating a process which makes a joke of a constitutional mandate.

Franz Leichter is absolutely correct. We're allowed to be correct once in a while, and I think, for the sake of Mr. Sweeney, that the motion should be supported. I think, for the sake of Mr. Sweeney, we shouldn't even

have to have the motion, that your side of the aisle should stand up and say, "You know, we have faith in this man. George Pataki nominated him and we have faith in him, and his nomination can stand up for one more week without going down the toilet." Or can it?

THE PRESIDENT: Thank you.

SENATOR GOLD: I vote to support the motion.

THE PRESIDENT: I would like to remind the body that -

SENATOR GOLD: Was I more than two minutes?

THE PRESIDENT: Excellent explanation, and I would like to recognize Senator Waldon.

SENATOR WALDON: Thank you very much, Madam President.

As many of you in this chamber know, my background is law enforcement and from that background one is able to sometimes hear things. I would like to encourage us to listen to the rumblings that some of us have heard and

to give Mr. Sweeney the fairest of opportunities to make sure that he enters into his position as Labor Commissioner that is the will of this body, untarnished, and so I would hope that Mr. Bruno, our leader, in his wisdom, would recognize that there are some things sub rosa that need to be addressed and that we would adhere to the request by Senator Leichter and table this motion until a later date.

THE PRESIDENT: Thank you, Senator Waldon.

Senator Abate.

SENATOR ABATE: Yes. I had the privilege to be a member of the Labor Committee to hear the prospective commissioner, and I was comfortable in voting yes, but I'm uncomfortable in moving this process forward because there was some information that was shared in the Finance Committee that was not shared in the Labor Committee, and what we're discussing today really doesn't have much to do about John Sweeney. It has to do about the integrity of the process. We should never walk away and say,

"Let's not hear any more," because I think John Sweeney would say, "I have confidence about my background, my capacity. I don't want to go on to this position with people feeling that I'm less than adequate."

So, although I was -- voted yes for his confirmation, I think now it's very important -- the issue is bigger than Sweeney. The issue is the integrity of our confirmation. Let's table it. Let's air these rumors, what's being discussed in one committee not aired at another, and I vote for the motion.

THE PRESIDENT: Thank you, Senator Abate.

Senator Lack.

SENATOR LACK: Thank you, Madam President.

I must say it's interesting how the worm turns. I have been in this Senate now for 17 sessions. I have confirmed in my nine years as Chair of the Senate Labor Committee three commissioners. All of them were done in the exact same process that this gentleman is

being confirmed. There was a hearing before the Labor Committee. There was a hearing before the Finance Committee. All the nominees came, spoke, talked about their credentials, labor opinion was sought.

Now, I haven't been chairman of Labor in the last year, but I still know an awful lot of people in organized labor in this state and the only phone calls I've had is that it's a good appointment and when we get on the main subject, which is the confirmation of Mr. Sweeney, I certainly plan to talk on that; but I must say how surprised I am that suddenly there's a Republican Governor and members of our Minority stand up, the same members who have been sitting at the same confirmation proceedings that I have all these years when it's been Democrat governors of this state putting forth the nominees, and not one of them -- not one of you has ever stood up and said, "Wait a minute. Why is this process going so fast? Who is this person? Why wasn't there a public hearing held for this nominee?"

I'm going to tell you, in my nine years of chairing the Senate Labor Committee, I never, ever for any of Governor Carey -- excuse me -- Governor Cuomo's nominees held what you're calling for, a public hearing, other than a hearing before the Standing Committee on Labor. If I made a mistake all those years, I'm sorry none of you ever stood up then and told me about it.

THE PRESIDENT: Senator Paterson.

SENATOR PATERSON: I think what we have here is the concept of time impinging upon the concept of judge... of justice.

Some of the appointments that have been made in the past, some of those that were just referred to, occurred over a process of weeks. In one case it took two and a half months. In fact, one of the nominees was not confirmed.

So I think that Senator Gold's remarks just a moment ago were really the preeminent remarks that we could be listening to today. The most unfair that this chamber could

be would be to be that way to its own nominees. To raise people's names such that they may be appointed to high positions and then let them be appointed in such a cloud of uncertainty is most unfair to the candidates, diminishes the process and, unfortunately, does not satisfy the directive of advise and consent advised to us by the Constitution.

And so Senator Leichter's motion is a motion about process, not about people, and what we're actually talking about is a process that started this Friday afternoon. The next business day was today. There was a Labor Committee meeting at 11:00 a.m. There was a Finance Committee meeting at noon. This is not enough time.

Now, I think that what the Governor may be trying to do is very merited. We are trying in this age of tabloid journalism and sensational television not to let people's personal business be bandied about in the media such that it hurts their reputations when, in fact, they may not have done something wrong,

but to speed the process to this extent is actually creating the impression that they have done something wrong when perhaps they have not.

So I would just like to add this one element to our conversation, which is that in 1975 Governor Carey made an appointment. The man's name was Schwartz. He actually served in the -- as the -- performed the duties of the agency that he was appointed to for nearly a year and was not confirmed by this New York State Senate.

So I ask my colleagues on the other side of the aisle, what is the rush? In other words, if there's a matter that is so important that the Commissioner of Labor should address, let's let him address it right now. There's precedent for this. It's been done before, but the confirmation proceeding which is so precious as it is defined in our Constitution is something that we have to confer and deliberate and do with all deliberate speed.

So I have a feeling, Senator

Leichter, that your motion isn't going to pass and maybe that will be the case, but what I would like to advise all of us here is that we in the Minority are not going to take the responsibility for anything that may come out of today's proceedings that it would be said later that this body should have known. Anything that happens from this point on is going to be the responsibility of anyone that wants to move a nomination that, in our opinion, had it been held, we would have probably confirmed a deserving individual to a post.

SENATOR HANNON: Madam President.

THE PRESIDENT: Senator Hannon.

SENATOR HANNON: I would just like to speak in opposition and explain my vote.

I think it's absolutely outrageous that people would try to change the rules of the game after we've already started. Senator Leichter has always been one who could speak up. He's alway been one who could study an issue, issue reports. I never saw any type

of report that gave rise to the advise and consent procedure and need to change it.

I would suggest they have other motivations that would lead to this last minute attempt, and I think it's outrageous that you, Senator Waldon, would have any sense of an innuendo that would be attached to your remarks. I don't think it has any place in this process, and I think your reasons for coming up with this motion have little to do with the procedure and more to trying to change the results of what happened last November.

SENATOR LEICHTER: Madam President.

THE PRESIDENT: I recognize Senator Leichter.

SENATOR LEICHTER: Yes, to explain my vote, Madam President. I just want to answer Senator Hannon and also Senator Lack.

What we're objecting to, Senator, is that you're changing the rules of the game. The rules of the game are that there is due deliberation. What you're doing is railroading

through nominations without a chance of public discussion, public airing or even giving members of the Senate and the responsible committees an opportunity to inquire into facts and to be heard.

Senator Lack, let me just point out to you that the last time there was a change of administration in the state house from Senator -- I mean, from Governor Wilson to Governor Carey, this was the date of the confirmations by this Senate, run by the Republican Majority. There was one confirmation in January, Commissioner of Division of Criminal Justice. The next confirmation was March 4th, the Commissioner of Transportation, the Commissioner of Environmental Conservation. The next confirmation was on March 18th, the Secretary of State, one Mario Cuomo -- and then there were a couple of others in March, then there was some in April. Then we had to wait 'til June to get to the Superintendent of Insurance, the Commissioner of Mental Hygiene, and so on. We're asking that you stick -

SENATOR DALY: Will the Senator yield?

THE PRESIDENT: Senator Daly.

SENATOR DALY: Will the Senator yield?

SENATOR LEICHTER: I can't in a roll call.

THE PRESIDENT: Senator Leichter, will you yield for a moment?

SENATOR DALY: Excuse me. Just want to debate it.

SENATOR LEICHTER: Senator, all we're asking is that you do it the same way for Republican nominees as you do it for Democratic nominees. We're asking you to stick to the rule. We're not asking you to change the rules; we're asking for fairness. We're asking for the openness that the Majority Leader has committed himself to, and all we're suggesting is one week and public hearings. Is that asking too much?

THE PRESIDENT: Thank you, Senator Leichter.

A point of clarification.

Senator Stafford, I'm sorry. I didn't see you.

SENATOR STAFFORD: Mr. President -- Madam President, I owe the $10, Madam President. I just want to point out that during the Finance meeting today, some said that I use these fancy phrases. Well, I have one for this. It's in good -- I say it in -- nothing serious -

THE PRESIDENT: Senator Stafford, could you please speak into the mike so we can all hear you? Can you speak louder?

SENATOR STAFFORD: Oh, I'm sorry. But this is generally, this isn't any one individual, but I can say this "gall" could be divided into three parts, and I think there would be what you think I'm going to say.

This nomination had the same treatment as nomination after nomination the last 20 years. I was very pleased when there had been a report, as there has been a report here, and it was stated there's nothing in the background examination that would make it

impossible for this person to serve. We have that. We had the Labor meeting.

We all know that, when we start talking about public hearings on our nomina tions, we have the meeting of the committee that has jurisdiction for the area where the person is being appointed, and then we have a Finance meeting.

I want to tell everyone that has joined us in the Finance meetings that we appreciate the attendance on both sides of the aisle for these excellent appointments that our Governor is making, and I would just say that there's nothing out of the ordinary here. We have an excellent nominee, and procedure was followed.

Thank you.

THE PRESIDENT: Thank you, Senator Stafford.

Now, please, I'd like to recognize Senator Spano first. He's been waiting a long time.

SENATOR SPANO: Thank you, Madam

President.

As the Chairman of the Labor Committee, I think maybe I should respond in terms of some of the questions of the process, but I would first note that it's funny that this question was raised as we consider the Governor's nominee for the Department of Labor that wasn't raised as we just finished the process for the Commissioner of Civil Service. So that tells me that there's some additional motivation on behalf of the Minority when it comes to this appointment.

But let me tell you, over the last couple of weeks since the Governor made it known that he was going to select John Sweeney to be his nominee in the Department of Labor, I immediately reached out to organized labor in this state. The commissioner designee was available to meet with the president of the AFL-CIO, called and wanted to make a courtesy visit. He was out of town. He did have an opportunity to meet with two of the executive vice-presidents and two of the directors of the

AFL-CIO. The chairman of the Public Employee Conference, who is also Chairman of the - President of the Upstate Professional Fire Fighters, have written in favor of the Governor's nominee.

I have not heard from one single member of organized labor in this state who has been in opposition to John Sweeney, nor were they in opposition to the process. I reached out to organized labor and said that we were going to have a meeting today, asked them to be present, asked them to let us know if there were any views or questions that they would have liked to have asked of the Commissioner. They did give us some questions that they wanted to have asked. They were part of the process. Not one of them have objected. Not one of the members of the Minority have objected to me in terms of the process, including the ranking Democrat on the Committee who I had an opportunity to speak to last week and advised the members of the Committee how we were going to do this.

If you remember, we talked -- and Senator Leichter may talk about the process in terms of the last three Labor Commissioners. You might notice that the last three Labor Commissioners were confirmed within two weeks of their nomination by the Governor. As I -- when I chaired the Mental Health and Developmental Disabilities Committee, the last appointment, we confirmed in one day, Commissioner Tom Maul, that was sent to us by Governor Cuomo. In one day we had a hearing, a Committee meeting -- a committee meeting/hearing and moved forward on the Senate floor after the deliberations by the Senate Finance Committee.

All of the background checks - Senator Gold, as you mentioned, all the background checks on this nominee were fully looked into. All the BCI checks, all of that is is completed. All of that has been presented to us. All of his financial statements have been made available to the members of this house for your review. All of that has been there.

We don't take this as a game. We

take the confirmation process very, very seriously, and I think that we should defeat Senator Leichter's motion, take a look at it for where it stands and move forward to talk about the accomplishments and the positive qualities of the Governor's nominee.

Thank you, Madam President.

THE PRESIDENT: Thank you.

Senator Maltese.

SENATOR MALTESE: Madam President, these are tumultuous times. We have just seen cataclysmic changes in New York and in national politics. We must move, yes, with prudence, but we must move quickly. We have a new Governor after so many years of a different administration. We have many changes in government that must be made. They will not be made with foot-dragging or if obstructionists interfere with the process in the naming of candidates to hold these offices that would give our new Governor and Lieutenant Governor the opportunity to govern. We cannot allow or permit obstructionists to interfere with this

process.

This nominee is someone who has been in public life for more than 15 years, a member of the bar. This is not some person who is unknown. It is a person with a statewide reputation, and the reputation is a good one.

Madam President, I feel that these objections are vain entreaties to turn back an electoral process that began in November and that resulted in the election of a new administration. We will proceed. We should proceed expeditiously and prudently.

THE PRESIDENT: Thank you, Senator Maltese.

Senator Connor.

SENATOR CONNOR: Thank you, Madam President.

You know, Senator Spano correctly points out that there seems to be no opposition from organized labor to this nominee. I had my staff check on Friday to ascertain that, but the point really -- and why is there a difference between Mr. -- the prior nominee to the Civil

Service Commission and this one? It's quite simple.

There were a couple of questions that members wanted to ask based on information they were given in the Finance Committee, and they clearly feel they were precluded from pursuing the line of questioning.

Now, a more -- perhaps even a better process would allow Mr. Sweeney to meet with some concerned members and discuss some of these things. That's what a week would do. There was -- there were simply a couple of open questions raised by the information provided and the process -- a weakness, as I see it, in the process, and this should concern members of both sides of the aisle, is that the same information is by custom in this house not made available to the members in the substantive committee as is made available to the members in the Finance Committee, thus producing an anomaly such as a member of both committees going in at 11:00 o'clock in the morning, everything seems fine, and voting for the nominee and then going to the

Finance Committee and receiving more information and saying, "I'm not comfortable pursuing this course of approval at this time."

I suggest we look at that procedure. And the fact to say this is the procedure we always had, is just not quite true. Usually, and there are exceptions, there was more advance notice of the committee meetings. To receive a call late on Thursday, "Can you get your members here first thing Tuesday morning after a holiday meeting? We're going to do some nominations." To not get - and as I understand the process, a designee of the ranking Minority member on Finance goes and looks at all the background documentation and reports. That wasn't available until Friday afternoon before a three-day weekend and, lo and behold, the process not only began Tuesday morning but was expected to conclude some time in the early afternoon on the same day.

And I don't think anyone really wants at this time to oppose Mr. Sweeney's nomination, but I think if you don't just it off

for a week, some people will do that undoubtedly because they do have questions -- they do have questions, and you in the Majority taught us so well that deliberation matters in discharging this constitutional function. The time does matter.

I don't -- and I may have informally met him. I don't recall ever having met Mr. Sweeney. I suggest -- and I'm venturing a suggestion without knowing the answer, but I have a feeling that the introductions that Senator Spano talked about occurred rather recently, perhaps the end of last week, and I just think that we need more time.

I recall I was on the Labor Committee many, many years ago when Senator Levy was the chair and the Governor, Governor Carey, sent over a nominee who was deemed to be too political, and I believe the hearings went on for four months before the nominee withdrew. So, I mean there was precedent for deliberation. We are asking for a week.

Now, the one thing I want to say,

Madam President -

THE PRESIDENT: Point of order.

SENATOR CONNOR: -- Senator Bruno assured me that in the future we would have at least a week's notice for these nominees, so I assume since today is Tuesday and we've received no notice, that we won't have any of these nominees next Monday or Tuesday. I hope I'm right in thinking that.

Thank you, Madam President.

THE PRESIDENT: I would like to recognize Senator Bruno.

SENATOR BRUNO: Madam President, would you announce the vote on Senator Leichter's motion?

THE PRESIDENT: Yes. Senator Leichter's motion to table was defeated by a voice vote.

SENATOR BRUNO: Thank you.

THE PRESIDENT: The question is on the confirmation of the nominee.

Senator Bruno.

SENATOR BRUNO: Thank you, Madam

President.

On the confirmation of the nominee, John Sweeney, I think, Madam President, you are witnessing a debate here that very much represents the difference between the past and the present.

In the past, we many times in government forgot that we are here to serve the people of this state, not necessarily a process to our own liking or our own making and that we change the rules as we go along, as my honored colleagues in speaking totally ignore the rule of a two-minute -- two-minute rule when you speak, totally ignoring that because it suits them. If we want to follow the procedures, Senator, let's follow the procedures. But what we're talking about here today is governing with a new administration, an administration that recognized that last week it was critical to just a Secretary of State in place so that person could be of service to the public.

The administration recognizes that Civil Service, protecting the rights of

people of this state, is critically important. Consequently, we expedite that nomination. And what is more important to the people of this state than jobs, protection of labor in this state? In my mind, nothing. And that's the major difference between the past and the present. There's a recognition that jobs, the economy of this state is the most important thing when you want to deal with the health and welfare of the people of this state.

So, Madam President, I am honored that John Sweeney, here in this chamber, is presented to us for confirmation because he represents, through his heritage, a father who knew what it was to labor, who struggled to protect labor, founded a labor union and became its president.

Now, that's living, and that's experience in the real world of dealing with people. That's what John Sweeney brings. He's been in public service for years, years. Stop DWI program for ten years in Rensselaer County. He did an outstanding job, a job that he can be

proud of, and that I am proud of and the rest of the constituents in Rensselaer County are proud of. He is a professional in every sense of the word.

Is he aggressive? Yes, he is. Is he effective? Yes, he is. Will he be effective in serving the people of this state? Yes, he will. He will move the agenda forward on behalf of labor and the public, and he will recognize that the most critical thing in this state is that people have an opportunity to work and work fairly.

So, by heritage, by background, by experience, by disposition, he's as qualified as anyone could be, and I'm honored to support his nomination, and recognize his beautiful children, Kelly, John and Mary, that are here with John, and welcome them to the chamber and, colleagues, I can assure you that a personal relationship with John Sweeney as he has worked professionally, and he is a true professional, and to those that are concerned, he will represent the people of this state, and that's

all of the people in this state, as he goes forward in discharging his responsibilities as the Commissioner of Labor.

Thank you, Madam President.

THE PRESIDENT: Thank you, Senator Bruno.

I'd like to recognize Senator Spano.

SENATOR SPANO: Madam President, do you have a list of speakers?

THE PRESIDENT: Yes.

SENATOR SPANO: Do you have a list?

THE PRESIDENT: Yes.

SENATOR SPANO: Can you put me at the end of the list to close?

Thank you.

THE PRESIDENT: Senator Nozzolio.

SENATOR NOZZOLIO: Madam President, I rise in support of this nomination.

One of the most remarkable men I've ever known was a man who, at one time, held

the position that this appointment is about. Martin P. Catherwood, during the mid-1950s, was Labor Commissioner for New York State. He was commissioner during a time when there was great job growth and development, when New York was a state that was moving, when New York was a state that held the beacon for other states in economic development. So well thought of was Martin Catherwood that a library at the New York State School of Industrial and Labor Relations at Cornell University was named after him.

I'm a graduate of that school, and I had the privilege of working with Dr. Catherwood while I was a student there, and I can say very strongly when I saw this nomination of John Sweeney to be our new Commissioner of Labor, that I thought back to Dr. Catherwood and how John Sweeney will be the same type of Labor Commissioner and will do great things in bringing New York back to the job development/ job creation state that it once was.

I'm also very pleased, as Senator Bruno mentioned, that John's roots are in the

labor movement, with a dad who knew what it was like to work hard to put bread on the table, who sought a better life for his children through work and through the labor movement. We have in this nominee, Madam President and my colleagues, one with great character.

I don't know if there's a library yet ready for the nominee's name, but who knows, by the time he is done in service to the state of New York in this very important job, there just may be, and I welcome this appointment and am proud to speak on behalf of the nomination.

Thank you, Madam President.

THE PRESIDENT: Thank you.

Senator Dollinger.

SENATOR DOLLINGER: Madam President, could I ask through the Majority Leader whether there would be somebody who could answer a couple of questions about this nominee? I don't know whether it's appropriate to ask the Labor -- Chairman of the Labor Committee or Senator Bruno himself.

THE PRESIDENT: Senator Spano.

(Senator Spano nods head.)

SENATOR DOLLINGER: Through you, Madam President, to the Chairman of the Labor Committee.

I'd like to focus on a couple of things. One, do you know if anyone conducted an evaluation of this nominee's qualifications to hold this position and, if so, what was the result of that evaluation?

SENATOR SPANO: In conversations we've had, number one -- in conversations that we have had with the Governor's office, they advised me that they did a very thorough check in a number of extensive conversations with the nominee in terms of what his positions were about restoring the state's economy, understanding the need for the state Department of Labor to get involved in both the protection of the workers as well as the corporate sector in this state.

We have had -- I have had a number of extensive conversations with the Governor's designee with respect to his vision

and the way he sees the future as it revolves around the Department of Labor, and I'm very, very comfortable, Senator Dollinger, that a number of probably hours worth of extensive research and conversations and interviews went into this process.

SENATOR DOLLINGER: Again through you, Madam President.

Do you know, Senator, whether anyone looked at Section 21 of the Labor Law which defines the job duties of the Commissioner of Labor, and compared the nominee's job experience with those qualifications?

THE PRESIDENT: Senator Spano.

SENATOR SPANO: I -- I did take, as a matter of fact, a look at the copy of the Labor Law just last night, took a look at and had conversations with the Governor's designee, and as the Chairman of the Labor Committee -- I can only answer for myself, Senator Dollinger - I feel very, very comfortable that he can do the job as it is set forth in the statute as well as we would be -- expect him to perform on behalf

of the working men and women of the state.

SENATOR DOLLINGER: Again, through you, Madam President.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Can you just enlighten me which of the 12 criteria that this Legislature said include the powers of Commissioner of Labor, which of those 12 criteria this nominee has any experience in?

THE PRESIDENT: Senator Spano.

SENATOR SPANO: When you look at the nominee's background, you look at the fact that he has been an attorney.

SENATOR DOLLINGER: For how long?

SENATOR SPANO: He's been involved both in public and private practice for -- how many years? I'm not sure.

SENATOR DOLLINGER: I believe, three.

SENATOR SPANO: He is a person who has had a background in labor, and it was

discussed that he was raised in a union household, and when you look at our previous nominees, look back at John Hudacs, who was a career government employee who was appointed by the Governor to head the Department of Labor; we look at Lillian Roberts, who was vice-president of a labor union, who was appointed by the Governor; if we look at Philip Ross, who was an academic, every one of those, Senator Dollinger, if you look through the listings in the statute, you will not be able to line up the appropriate, as you might deem, necessary background to match up each of those positions, but each one of them -- each one of them served us well.

SENATOR DOLLINGER: I guess my question -

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: My question, again through you, Madam President, if the Senator would continue to yield is that, clear ly, if you were evaluating the qualifications for someone, you would look for some correlation

between the past experience and the 12 statutory responsibilities that we created for the Commissioner of Labor in the Labor Law. This is the law that we'll ask him to enforce.

I can't find anything on these two pieces of paper which suggest that he's ever done any of the things mentioned in this book.

THE PRESIDENT: Senator Spano.

SENATOR SPANO: My previous comments I think should stand by -- addition ally, I think one of the mandates that was presented to us and to the Governor in last November was the fact that business as usual is bad business, and people are looking for us maybe to do things a little differently as well. So, having someone with a fresh perspective taking a look at an agency like the Department of Labor, I think, is a pretty good idea as well.

SENATOR DOLLINGER: Okay.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Again through

you, Madam President, just a couple more quick questions.

It's customary, since I do a lot of labor relations work, to look at someone's resume and also look at the concept of refer ences for the position. I note that in the resume that I've gotten from Mr. Sweeney, I note there's no reference to, quote, "his references".

Do you know, Senator, who was given as his references, who checked his references? Is he a member in good standing of the bar association, for example? Is he -- I don't know, if we talked to lawyers that he's practiced with, judges he's practiced with?

The only reference I see on his entire resume is that he worked in civil litiga tion, criminal defense and labor relations. Do you know what he did in labor relations?

THE PRESIDENT: Senator Spano.

SENATOR SPANO: I don't know specifically in terms of what he did in labor relations. I know that he -- the question was

asked this morning at our Labor Committee meeting where he did answer that he had represented a number of clients in terms of Workers' Comp' claims and in a couple of other areas in labor, I don't remember exactly, Senator Dollinger, what they were.

I will tell you that I have been informed by the Governor's office that the complete BCI check was completed, a complete background check was completed on the nominee and, of course, I think it should carry some weight in this chamber for the fact that our Majority Leader stood on this floor and said he has known the nominee for the last 15 years and he's a constituent in the 43rd Senatorial District.

SENATOR DOLLINGER: One final question through you, Madam President, just so I understand the future course of this so we can perhaps clear up any qualms about the process that's been followed with respect to this nominee.

I understand, as in the Court of

Appeals nominees, when I sat on the Judiciary Committee, the Court of Appeals nominees, the BCI reports and the financial disclosure reports are made available to members of that committee for inspection.

Is it my understanding that Mr. Sweeney's BCI report and his financial disclos ure forms -- and believe me, Senator, let me make it perfectly clear. I don't know what's in them, I haven't seen them, and I don't know anyone in this chamber or anyone who's listening that there's anything in those reports of any consequence, but is it my understanding that those reports will be made as part of the Majority's confirmation process, that those report will be made available to members of the committee or individual members upon request to inspect in the future?

THE PRESIDENT: Senator Spano.

SENATOR DOLLINGER: Again, I apologize through you, Madam President. I understand Senator Spano was talking.

I just want to make sure. Since

there is an issue to access to information and, again, without -- I'm not casting -- I don't want any inferences drawn from this; I simply want to make sure we understand the process for the future. Will the BCI reports and the financial disclosure information be available to all the members that want to have access to them, such as we've done in the Court of Appeals nominee which, frankly, because I'm a member of the Judiciary Committee are the only nominees that, in my past experience in this house, that I'm familiar with.

THE PRESIDENT: Senator Spano.

SENATOR SPANO: If you can indulge us for a second, we'll get an answer.

THE PRESIDENT: Senator Spano.

SENATOR SPANO: Madam President, I'm advised by counsel that the complete BCI reports, the financial disclosure, all of the necessary background documents related to the nominee are available to the counsel, to the Majority Leader and to the Minority Leader and that, in fact, counsel to the Minority Leader

did have an opportunity to review in detail the -- all of those statements, all of those disclosures, all of those files, and that's the procedure that has been in place by previous administrations.

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Again through you, Madam President, and I apologize to Senator Spano. This may not be a question appropriate to him but I -- my question is, why isn't that information made available to members?

The 300,000 people that I represent in the state of New York haven't been available -- I have not been able to review those materials, and my question is, why wouldn't they be made available directly to any member that had an interest in the process?

SENATOR SPANO: I will yield to the chairman of the Finance Committee.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: Madam President, I think maybe I can help here a

little.

If anyone comes to the chairman of the Finance Committee, they're able to get information as I have in the past and as you would be able to. Senator, let me emphasize, we don't think confidential information should be floating around the halls of the Legislature or of the Capitol or of your house.

Now, for years, as Senator Spano explained very, very well -

SENATOR DOLLINGER: Madam President, I just -

SENATOR STAFFORD: Let me finish.

SENATOR DOLLINGER: I don't like someone suggesting that I have violated the confidentiality of this chamber. There's no evidence of that at all.

SENATOR STAFFORD: I don't like what I heard; I don't like what I heard at all.

THE PRESIDENT: Senator Stafford.

SENATOR STAFFORD: I don't like what I heard, Madam President and, actually, as most people will agree, I'm a pretty easy-going

guy.

SENATOR DOLLINGER: I understand. I hope the same is true.

SENATOR STAFFORD: Pardon?

SENATOR DOLLINGER: Nothing.

SENATOR STAFFORD: Good. That was good judgment.

Now, as we explained earlier - as we explained earlier, there's confidential information is made available to the staff of the Minority and the Majority, and if this isn't done properly, we find out very, very quickly if we find out that the information isn't being afforded us.

We don't take confidential information out of files and have them here in various offices. I hope I make myself clear.

SENATOR DOLLINGER: You do, Senator. I simply want to point out that, both when Senator Lack was chairman of Judiciary Committee and his predecessor, Senator Mega, I inspected that information. I never violated the confidences. I take those confidences, both

as a member of this Legislature and as a lawyer, very seriously.

SENATOR LACK: Madam President.

THE PRESIDENT: Senator Lack.

SENATOR LACK: Yes. I'm sorry to go out of order, but if I can just answer Senator Dollinger's question.

Senator, judiciary appointments, as Senator Skelos certainly pointed out, do not go to the Committee on Finance. The reason you got information on Court of Appeals judges is because they're lifetime appointees, and you saw that information.

Normal judicial confirmations done by this house is you'll get basically the some type of information that Senator Spano referred you to. Counsels to the Minority will have access to look at full financial disclosure. If there's something they want more, they'll ask for it. But the reason is a little bit more leeway in judiciary rather than the other committees is because judicial nominations don't go to Finance Committee; they

come to this floor.

SENATOR DOLLINGER: I appreciate Senator -

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: I appreciate Senator Lack's clarification. I think that's a reasoned basis for distinguishing between the two. However, I would urge my colleagues on the other side to adopt the more open judiciary approach because I think it would facilitate, frankly, eliminating possibilities of misinformation or questionable -- someone has said here earlier, a question being raised.

I think the open and above-board disclosure among members on a confidential basis would be appreciated.

On the nomination, Madam President, I'm going to vote in opposition to this nomination.

I guess in my labor relations practice, the first thing that I did to try to figure out whether someone would perform a job

is to look at what they did in the past as an indication of what they'll do in the future. So in preparation for that, I went to the Labor Law, which contains in Section 21, 12 things that the Commissioner of Labor has jurisdiction over. There's no evidence today that this nominee has ever done any one of those 12 things.

I then went to the definition of the Labor Commissioner in McKinney's, the summary in McKinney's, which contains all the references to the labor commission in all the laws that this Legislature has passed, all the directions that we've given to the Labor Commissioner to do. Oh, let's start with actions and proceedings involving the forfeiture of property, occupational and safety health standards, Article 78 proceedings relating to that.

Senator Bruno mentioned that one of the critical issues was the apprenticeship and training council. That's a critical thing. I believe in job retention. There's no evidence

that this nominee has done that.

What about convening boards of inquiry in labor disputes? Again, a power given to the Labor commissioner? No evidence he's ever been involved in that.

How about the bridge to employ ment program, workout, try out and education programs, all of those important things that the commissioner does? No evidence that he's done any of that.

No evidence that he's ever been involved in enforcement proceeding held by the Department of Labor, involving building con struction, demolition, repair, the building construction code, the Labor Law, the occupational and safety health standards, all of them very important.

He will be participating in the entrepreneurship, support centers, standards in establishing them. No evidence he's been involved in that.

He's involved in factory inspec tion. He's involved in farm worker inspections.

He's involved in determining hours of labor. He's involved in investigations under the Labor and Management Improper Practices Act. He's involved in labor camps, in manpower development and training, medical inspection and supervision over employees in industries dangerous to safety and health, municipal housing contracts, determinations of prevailing rates, collective bargaining contracts. It goes -- conditions of aliens employed in industry, labor conditions, powers as to women in industry, all of these qualifications, none of which this nominee has.

And, frankly, I guess when I look through the qualifications that are listed on this resume, I guess the one thing that makes me most nervous is the one listed at the very top. I acknowledge, as Senator Bruno does, that we're in a new era, but in this new era, one of the questions I would ask, would I hire this person for $95,000 to be the Commissioner of Labor when he tells me that his first and foremost entry on his resume, which doesn't include any references, doesn't contain any evidence of

doing anything that the Commissioner of Labor is required to do, is that he was the executive director and chief counsel from 1992 to the present of the New York State Republican State Committee?

I'd suggest that that's more than enough reason to look -

SENATOR SKELOS: Would Senator Dollinger yield?

THE PRESIDENT: Senator Skelos.

SENATOR DOLLINGER: Not at this time, Madam President. I'll yield when I'm finished.

SENATOR SKELOS: Could I have a point of information?

THE PRESIDENT: State your point, please.

SENATOR SKELOS: I believe, if you look at the resume, the jobs have been listed in chronological order by year of service.

SENATOR DOLLINGER: That's correct.

SENATOR SKELOS: So I don't think you should mislead the Senate in believing that that was his number one priority in terms of competence to serve as Labor Commissioner, although being executive director of the Republican State Committee and the fine job they did this past November 8th is good enough for me.

(Applause.)

THE PRESIDENT: Senator Dollinger.

SENATOR DOLLINGER: Under those circumstances, Senator Skelos, assuming that you're correct, he should be the Elections Commissioner and not the Labor Commissioner.

It seems to me, when people approach me with a resume, they put on the top of the resume their most valued skill, the one thing that catches your eye, the one thing that's most important, the one credential they want you to remember, and that's it.

I suggest that spending $95,000 of my taxpayers' money on this nominee for this

position is not supported by the evidence in front of you.

I will vote no.

THE PRESIDENT: The Chair has a list of Senators who would like to be recognized.

Senator Markowitz.

SENATOR MARKOWITZ: Thank you very much, Madam President.

I'm going to support the nomination, and I want to give you a reason why.

It's very clear from listening to Senator Spano and I think most of my colleagues -- I know Senator Lack for a lot of years and I know how to read between the lines. We can't defend the nomination on his experience running the Labor Department. There's no question about it. The fact is, if you look over the nominees over the past number of administrations, it clearly shows that this nominee lacks the boiler plate language and the hands-on experience that one would expect a commissioner in this

department to have.

I have serious questions. This department, I understand, has 6,000 employees. I wonder, in terms of the Rensselaer program that he was in charge of, how many employees reported to him. I have concerns about a lot of issues on this, and I heard some good things from Senator Bruno about his father. It brought to my mind that perhaps we should be confirming him this afternoon.

But what I am saying is this, and my concern. I believe in the widest latitude for a governor to make his appointments, because if this commissioner-to-be fails, it won't be his problem or responsibility; it will be on the shoulders of our governor, our new governor.

Senator Maltese, all of us here recognize that the Republican Party won the election this past November. We know that. You don't have to repeat it. We know it. Believe me, we know it. Being Democrats in the Senate, regardless of who won, we're in the same position, believe me, we're no further out in

the pasture than we were under previous Democratic governors, that's for sure, so we're kind of used to it on this end.

We've learned from the Majority here, when Governor Carey and Governor Cuomo had proposed their nominees, that at times you move swiftly and other times you waited and other times you dragged it out year after year, you did what you thought was best the way you saw it, and here as Democrats in a Republican administration, we have a right, a legitimate right, in fact, an absolute constitutional right, to raise the questions.

So I'm convinced that, on the basis of experience, Mr. Sweeney doesn't have it. But something else was said here, and, Senator Spano, you said it right, that maybe it's not what he has had but what he may bring that's something this governor has seen in this gentleman that he feels he's got something going for him, that he will be the kind of commissioner that he believes, the Governor believes will be the best for the people of this

state, and so I hope and pray that the new commissioner will be a superb addition here in New York, that he will be an excellent commissioner that labor with respect throughout the state of New York, but let it be said today and forward, that if this nomination succeeds, it will be the Governor and Mr. Sweeney. Should this nominee fail his responsibilities and not become a superb Labor Commissioner, it will be Governor Pataki's fault.

THE PRESIDENT: Senator DiCarlo.

SENATOR DiCARLO: Madam Chair woman -- Madam President, it's an honor to rise on behalf of the nominee for Commissioner of Labor in New York State. If you wish, John, to add my name to your list of references, I will gladly allow you to add my name.

Also, for Senator Dollinger, the most important name that I think in terms of reference was the person who is proposing Mr. Sweeney for the commissioner position, the Governor of the state of New York who has put forth Mr. Sweeney's name, and I think most of

the people in this state have great respect and admiration for our new Governor.

In Labor today, in the committee meeting, there weren't many words opposed to Mr. Sweeney. The only thing that I heard in the committee meeting today was that they didn't think he had enough experience. I would argue that the reason that the state of New York is in such disrepair after 20 years of supposed experience and leadership is because we haven't put forth the right type of people in government.

Mr. Sweeney is that right type of person. Mr. Sweeney, in my opinion, is an intelligent, energetic individual who was chosen by the Governor to do a job and that job he will do, and I'm glad that we're moving toward the individual such as Mr. Sweeney.

And for those of you who think it's just a Republican thing, I have had the experience of being on both sides of issues with John Sweeney. We have been working together on issues, and we have also been in opposite camps

on certain issues. I have tremendous respect for his abilities. I think he will make an excellent, excellent Labor Commissioner and we look forward to working with you.

THE PRESIDENT: Thank you, Senator DiCarlo.

Senator Nanula.

SENATOR NANULA: Rising to explain my vote.

I'm on the Labor Committee and this morning, upon receiving Mr. Sweeney's resume, I reviewed it, gave it some study and some thought and gave some thought to the dynamics of the job at hand and it became very clear to me, and it's been discussed abundantly since here in this chamber, that there were some striking observations regarding the concept in the term "experience".

The first thing I thought in regard to that concept was what type of management experience does this gentleman have? The second thing, of course, was what type of labor background does this gentleman have? So

instead of drawing conclusions from the resume alone, I went to the committee meeting and I asked Mr. Sweeney these questions. I asked him what type of management experience, what were the annual budgets of the various entities, jobs that you've handled, the Stop DWI directorship, the town of Nassau town attorney, et cetera, and admittedly, Mr. Sweeney spoke up and said, "Well, my budgets were small; my staff allocations were small. $80,000 was my staff allocation in my first year as director of the DWI -- the Stop DWI program, and I do not have experience in running a large organization."

It's be made clear that this organization, this department, is one that employees 5,000 plus people, and one that has a dynamic and diverse set of objectives and responsibilities which draws me to the next issue, and that, of course, is the experience in regards to labor.

I think it's wonderful that Mr. Sweeney grew up in a home with a father who is a union organizer and somebody who spoke up and

worked on behalf of the issues important to people that are involved in labor but, if Mr. Sweeney's father had been a heart surgeon, I certainly would not feel comfortable in having Mr. Sweeney operate on me if I was having heart problems. I think the exposure one has as a child to a process certainly is far different from one's professional experience in regards to detailed and diverse issues as those which have been stated by members like Senator Dollinger, issues that are important to the people of this state when it comes to labor.

So, for those reasons, I voted against Mr. Sweeney in the Labor Committee. Since then, other things have been discussed, other things have been mentioned. There have been murmurings about ethics and whatnot; there have been discussions and I support my members and my colleagues in regards to us having some more time so we can give due process to this decision.

But more importantly than that, in my opinion, is that we really at least as far

as I'm concerned don't need a lot more time to see that this gentleman does not have the core capabilities -- strike that, the core experience -- he may have the capabilities, but he has not proven himself in regards to these various aspects, and it's concerning to me. It's concerning that in an era with an aura with our new leadership, where we're hearing that we're not going to be having politics as usual any more, that we're now seeing an appointment that seemingly, because of the lack of qualifications, may have other undertones. Maybe it is an ironic coincidence that this gentleman was formerly a key person in the Republican State Committee.

I hope, for the benefit of the people of this state, that that wasn't a driving force or a motivation for our new Governor in regards to this appointment. I vote no on the qualifications.

THE PRESIDENT: Senator Lack.

SENATOR LACK: Thank you, Madam President.

Now, two years ago on the floor, I passed a bill to set up increased science and technology and some flexibility in the Department of Labor budget. Didn't pass the Assembly, brought it back last year, passed this house, passed the Assembly, went to the Governor and it got vetoed. It got vetoed despite the good work of John Hudacs, the Commissioner of Labor, who was informed, after Vince Tese and a whole lot of other people who are commissioners and had grand titles and worked for Governor Cuomo, went to the Governor and said, Nah, this is bad. This would only help the people. It won't help us. It's robbing from our depart ments. You can't make the Labor Department that strong. They can't do that. You got to veto this. Governor Cuomo did veto it. John Hudacs is a good Commissioner of Labor and he's a good friend of mine. He's also a lousy politician. He couldn't get the bill signed, and it never became law, much to the detriment of what we in the Senate voted for and what the Assembly voted for.

And now I find it just a little bit laughable that, after all of these years of patiently confirming Governor Carey's and Governor Cuomo's appointees from wherever whence they came, we actually have members of our Minority standing up and saying, this person isn't qualified or this person is too political.

I should go get all those old lists. You're right. We have all been too timid on behalf of this Majority. Perhaps we didn't do our job all these years. Perhaps we should have been saying what Senator Dollinger has been saying. But I'm glad we didn't. I'm glad we didn't, because the Governor does get his appointees.

Now, after we've listened to all this, let me tell you I happened to have read, maybe most of my colleagues on the Democratic side have not, I read Mr. Sweeney's formal statement that he submitted to the Labor Committee and submitted to the Finance Committee today. I got to tell you after all my years of

experience in chairing the Senate Labor Committee, I was impressed. I was impressed by a paragraph in the first page that said that "what I want to do as Commissioner of Labor is consolidate all the job training and employment programs in this state, and I want to do that under my department, and I want to do that as Commissioner of Labor."

I can't tell you the number of meetings I have had, some with my colleagues, Frank Barbaro when he was Chair of the Assembly Labor Committee, the hearings we held throughout this state, the number of departments in this state that are currently job training, retraining, job employment, and all in a very protective manner. If anything has to do with educational requirements, the Department of Education. If there's a health-related requirement, the Department of Health. If it has to do with taking people off of social services, Social Service Department. If it's pure job training to find a position, Department of Labor, and on and on and on. Whatever -

whatever the political component is of our state government, there's a job training function. Over 400 of those.

No Labor Commissioner, potential or otherwise, has ever appeared before a Senate committee and said "what I want to do is consolidate that. I want to put them together. I think I've got the moxie to go to the Governor and say that this has to be in one place," and after what happened this last November 8th, what's going on in Washington now as we look at entitlements changing to block grants, as we look at, to quote your President, the end of welfare as we know it, although I don't know when that's going to happen, but all that says is there's going to be new jobs and job training and where it's going to come from, and to me, that's the most important thing I would want to see in a commissioner of labor privately.

So you have to understand, I was utterly amazed when we I read John Sweeney's opening comment, and yes, Senator Dollinger, that was right up top of his formal statement,

that that's what he wants to do as Commissioner of Labor. I can't think of more important function for a commissioner of labor of this state than that, and if he's got some political credentials in his resume to be able to accomplish that with this Governor, boy, I'll stand up and give him a standing ovation, because that's what any of us would like to see.

So, John, my congratulations to you. You've taken on for yourself one hell of a job. My congratulations to you. You are going to make a very good commissioner. If you can already define that without sitting in the department as something this commissioner of labor should be doing, this Department of Labor should be doing, you certainly will have my support.

THE PRESIDENT: The Chair recognizes Senator Leichter.

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

I think the Governor's

nominations are entitled to great deference, but I think there's also a responsibility and obligation on the part of this Senate to perform its constitutional duty in a knowledgeable, informed and serious fashion.

The Constitution says that we should advise and consent. It doesn't say advise and applaud, and let me say that I want to do this, and I think I've always done it in a non-partisan fashion. I probably voted against more nominees of Governor Cuomo than anybody on the other side of the aisle. I voted against two of his nominees last year. Most, if not everybody on the other of the aisle, supported him, so I try to carry out my responsibilities and to do so having due regard that the Governor should be entitled to have the people that he thinks are best, as long as they meet basic standards, basic qualification, and if we don't search into that, if we don't look into that, then we are not carrying out our job and our duties.

I'm going to vote against this

nomination for two reasons: One is the process and we've discussed this at great length. I just want to say very briefly, there is a real distinction between the Commissioner of Labor and Commissioner of Civil Service, and I made that point at the Finance Committee that we weren't asking for public hearings on every nomination, but we are asking for public hearings on important nominations like this.

We're also asking just for sufficient time so that every member reasonably, reasonably can inform himself or herself about anything in the nominee's background, and we wanted to do that. We wanted to do in in a way that it's always been done here which is do it due regard for confidentiality, and so on, and not to force things out of the open that maybe have absolutely no substance to it whatsoever, but if you can't raise it in the usual way, then they come out in the open, maybe in a manner that you don't want it, and that's why we asked for one week -- one week -- that's all that we asked for.

Let me just finally say on the matter of process, because I'm not sure that was pointed out, Minority staff was showing the background check, the BCI and whatever was available on the financial, and I understand there is less available on the financial, to both the Majority and the Minority than was the practice under Governor Cuomo, but whatever was available, counsel saw that last Friday, in other words, one working day ago and, therefore, we did not have a chance to check into matters that we should have.

But let's look at the issue of qualification, and I have not seen or heard anything from this nominee, from his supporters, that give me the feeling that this nominee is qualified for this position. Is he a capable, energetic, articulate person? Absolutely. Has he had any experience, any experience whatso ever, which qualifies him to be the Commissioner of Labor? I have heard none.

The only thing that this nominee, in answer to the questions that I posed about

what qualifies him, what he's really done, is that he comes from a houses where the father was a labor leader and, as Senator Markowitz rightly said, the father we would probably confirm, but I don't think that that by itself qualifies the son.

Senator Nanula pointed out very properly, that there's a total absence of admin istrative capability and experience in this nom inee. The Department of Labor is a significant large office that requires administrative skill and requires that anybody who's going to run that office have some administrative experience of running large organizations. Johnny Sweeney has none of that experience.

Senator Dollinger pointed out that, when you put forth a resume, you generally just on there that qualification which you think is most important to catch the eye of the person that's going to hire you, and I think maybe that's exactly what Mr. Sweeney did. He put down that he was the executive director of the New York Republican State Committee. That may

be sufficient qualification for some people here. It certainly is not for me.

Senator Bruno pointed out the importance of this commissionership as far as dealing with one of the most important issues we face in New York, and that's the matter of creating jobs.

Senator, I would submit to you that you would want somebody who's had some experience in job creation, who knows what the labor market is, what the functions of this office are, the many different important goals that this commissioner has to carry out.

If the issue is one of finding jobs for Republicans, and maybe that's the job creation you were talking about, Senator Bruno, then maybe Mr. Sweeney is qualified, but as far as serving the people of the state of New York, I'm afraid that the case has not been made and, therefore, I don't think that the threshold standard which all of us ought to have, irrespective of who makes the nomination, is the nominee by background, experience, by

temperament, by skills, qualified for the job, I'm sorry to say, I cannot conclude that Mr. Sweeney is qualified to be Commissioner of Labor and I will vote against this nomination.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Paterson.

SENATOR PATERSON: Mr. President, if we were to refocus this discussion, we would understand that Senator Dollinger and Senator Leichter have made some excellent points about what are often the prerequisites to consent of nominations to commissioners and other gubernatorial appointees. The experience, the skills that have been demonstrated in the past, some kind of institutional memory of situations that could occur, these are all valid objectives.

Sometimes there are those that come among us who have a great deal of vision and great deal of insight and a great deal of foresight. This would eliminate me as an applicant to any office, but the point is that there are those in whom the Governor may see a

specific talent that might be applied in this case to some of the ideas that the Governor would like to see instituted in the Department of Labor and Senator Spano and Senator Lack have underscored some of those talents that Mr. Sweeney apparently has exhibited just in the time since he's been nominated, and so the fact that we are having this prolonged debate and this almost insufferable argument about qualifications, we have to face the inevitable issue of why we're here, why we're even discussing it.

Is it that the Minority is just interested in creating a political scrutiny and in some respects, a circus around the nomination of a qualified person? That might be a convenient conclusion, but I submit that that is not the case. When a nomination is brought forth in such a short period of time that information is only available in an afternoon of one day and a morning of another, I maintain that that does not meet the threshold of what would be the valid process that might be

achieved prior to an actual nomination.

And so, I just ask my colleagues on the other side of the aisle, how much more foresight would it have been to have simply allowed the process a few more days such that a qualified individual could be given the opportunity to sustain himself before a Finance Committee and Labor Committee that just had some basic questions about the qualifications of the nominee? That is the point we're trying to make.

If there is a significant public issue that is occurring right now that demands redress by the Department of Labor, as far as we're concerned, Mr. Sweeney can start tomorrow, because there is precedent not only in law, but as I pointed up earlier, in actual application from 20 years ago in which that was actually the case and, incidentally, in that situation, the Senate never confirmed that particular nominee, and so what we are just simply saying, we are not trying to obfuscate the process. We are not trying to delay the appointment. We are just

trying to uphold the Constitution which we feel is the most precious document that we can be adhering to in this particular process.

I would not like to be nominated to a position and be ridiculed when even those who are raising questions admit that not all the information has been perused in a proper fash ion, and so I'm going to vote for this nominee, but I vote for him with this admonition, which is simply that we in the Minority are not taking any responsibility for this appointment. We don't feel the process was followed correctly, and we are not going to be held culpable for what the results may be. It's unfortunate it had to come to this, but we reach this point because we feel that just a simple courtesy was not adhered to in this case.

ACTING PRESIDENT KUHL: For the benefit of the members, the Chair would recognize that there is a continuing list. There currently are six Senators who wish to speak for this debate that began at 3:17. Those Senators in order are Senator Gonzalez, who is

up next, Senator Skelos, Senator Daly, Senator Waldon, Senator Stachowski and Senator Spano to close.

Senator Gonzalez.

SENATOR GONZALEZ: Thank you, Mr. President.

I, too, rise to second the nomination of John Sweeney. I also at the Labor Committee, moved for his coming to the Finance Committee. At the Finance Committee, I also very proudly said that I know John, said that I have known John Sweeney for quite a few years. I have known him as -- in various capacities that he's undertaken. I worked with him on several projects, I know him from the times where, when he attended Hudson Valley Community College, Russell Sage College, I think that even so as a man that was raised like I was raised from a union family, and those that tell me that I am not in that movement as I grew up through a labor movement family that it doesn't attach, they're mistaken, and I find that now in this nomination that the Governor has brought forth

John Sweeney in a time frame and the debate that has gone a little bit of time, I am taken because of John Sweeney and what it means as his family and his wife and his kids, and I'm proud of knowing him, and I know he's qualified.

I feel that he has worked in many capacities, even as a lawyer. I mean, it takes, to go through the training in the times that we've had many conversations on that -- going through law school, the training and the clients and the work that he has on his law behalf, I think that it's unfortunate that this process and timing has taken place and I, too, ask John, that he can place my name on his list of references with Senator DiCarlo.

With that, many have said that the thing of qualifications and I respect them as my colleagues, but many have said that I didn't qualify for Senator, and I can differ with anyone on that based on experience and time, and I think that he's going to be a hell of a commissioner, and I wish him well. Godspeed. And, Mr. President, thank you.

I proudly second and vote for him.

ACTING PRESIDENT KUHL: Senator Skelos passes.

Senator Daly.

SENATOR DALY: Mr. President, I rise on one point, a comment that was made by one of our colleagues, Senator Dollinger, which I think that, if he had time to think about it, he would not have made, because I felt it was an insult to every man and woman in this chamber, to everyone who is involved in the political process.

He made light of, in fact, most sarcastically attacked the years that Mr. Sweeney has spent in the political process and working for one of the major parties of the state. I don't think that kind of background, that kind of experience, should be denigrated, that it should be encouraged. Truly, what kind of a message does that send to every man and woman who's involved in the political process and certainly, our political parties are a vital

part of the governmental system which has served this country so well for over two centuries.

So I look upon Mr. Sweeney's experience with a political party as a definite plus and I congratulate him for having spent the time in his life working through the system and working through the machinery of that system that truly makes this system go. Working in this house as a Senator, working in a political party, working in government, should not be criticized or demeaned.

Certainly, is there any -- are there any doubts of why the image of the elected offical and those that serve in government has grown as low -- has decreased to the level which we now find it, when we ourselves inside the system are critical of the system, and of the time people spend in this system?

And, Senator Dollinger, I really believe if you had thought about that, you would not have made that statement, but I rise really to defend, not Mr. Sweeney, but every man and woman who is in the system right now who works

for the Democratic Party, who works for the Conservative Party, who works for the Republican Party, and I don't think that comments in which we insult the time one spends working in the political process is worthy of this floor.

ACTING PRESIDENT KUHL: Senator Waldon.

SENATOR WALDON: Thank you, Mr. President.

Mr. President, I'm not as quick as I used to be.

I am not disrespectful of the nominee, Mr. Sweeney, but I am very respectful of this process. I have no ax to grind with Mr. Sweeney. I understand what politics is about. I have been in this game a long time, and when you owe a debt, if you're an honorable person, you pay the debt. If someone's helped you to be elected, you must take care of business on behalf of those who helped you. So I understand the Governor's need to appoint persons who have helped him, and there's nothing wrong with that.

I also understand very well, because I have been appointed in this state, a deputy commissioner and a commissioner, that sometimes you don't have the prerequisite background for a position but, if you have energy, if you have a sensitivity to the process, if you have a desire to work hard and your work ethic is good, that you may be very successful in the position.

I also very well understand that each of us was elected by constituents of 300,000 people who empowered to us come here and to act on their behalf. And today, the information that I received regarding this nominee caused me to honor that commitment to the people who have elected me to serve here with you, my colleagues, and to raise certain concerns.

I heard the arguments about absence of preparation for the position, and they were real, but I could bypass those meaning I could accept the nominee even if, in your opinion of my opinion, he or she did not have

sufficient prerequisite preparation, if there were other things evidenced.

What actually caused me to stand up and to make the comments I made was a question of character, a question of character, and I think that we as a body should have a right to know full well the character of those who will serve in such high positions so that we can then determine in an advised manner that they are not only prepared intellectually, perhaps prepared in terms of preparation, but they have what it takes to function in that capacity in terms of their personal integrity and character, and I find the explanations here today lacking, for want of a better way of putting it, in terms of this candidate, this nominee.

So despite my acceptance of the process and payback, despite my ability to support someone even if they do not have the prerequisite preparation on questions of character and integrity, when that is left grey to my mind's eye, I cannot support it, so

despite no disrespect to this gentleman and his family, I must most respectfully vote in the no.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Stachowski.

SENATOR STACHOWSKI: Mr. President, just briefly.

Senator Spano alluded to earlier that in speaking with me ahead of him that we had not mentioned any problems that we saw and that during the course of the committee meeting, with the exception of individuals that found problem with their idea of a man's capabilities, there wasn't a major issue about whether, you know, there was a problem with this candidate, and that was absolutely true.

Senator Connor then spoke about how, in preparing for the Finance Committee, some of us were given some information that could be troublesome. That also is true. But when we got to the Finance Committee, the background report was that there was no problem, and although we still had a problem, I've always felt that if the committee tells me that there's

no problem, then there isn't a problem, so I would just say that I'm putting the committee people on notice, that if this does prove to be a problem, the question that some of us had, well, then, you know, in the future, there's no longer the ability to take their word that there's no problem in the background check.

To the unions' lack of any kind of comment, I have always taken that personally that, if the unions have a problem with either an issue or an individual, they have always known where to find me; they have always written me, called me, whatever was necessary to get my attention to let me know they have a problem with somebody. I haven't heard from anybody. As a matter of fact, staff people reached out and came back with no opposition to this person. The one memo in support came from the professional firefighters supporting this individual.

So, for all of those reasons, I, on my behalf have not enough reason to oppose the appointment. I'm going to vote for this

confirmation, but I wanted to make sure that the unions know that their lack of any opposition leads me to believe that they're all for the individual, that the Governor's belief in the individual and the fact that he has the ability and the energy to do this job and especially at a time when we're looking for job creation in New York to help us with all of our problems, it's the Governor's nomination and I usually defer to the Governor's opinion, because that's his job as the executive, to send up people he thinks are qualified and not finding anything in his background, according to the people in the Finance Committee, therefore, on their recommendation, I'll say that he doesn't have any background problems, so that I can't for any reason that I am personally aware of, oppose this person, and I will be voting for his confirmation.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Mendez.

SENATOR MENDEZ: Mr. President, I am -- I am going to support this candidate.

When we met in the Finance Committee, I expressed my point of view there to Senator Stafford, as well as to the Majority Leader, that I had been advised that information pertaining to Mr. Sweeney had been provided only on Thursday afternoon to the Minority staff of the Finance Committee, and that, therefore, they were unable to inform all the members even of the resume of Mr. Sweeney.

I have no doubt that, as I was told by Senator Stafford as well as by Senator Bruno, in the future we are going to receive the information of any nominee ahead of time so that the staff from Minority Finance will be able to gather the information that is necessary and inform all of us.

I have been -- I heard Mr. Sweeney in the Finance Committee. I know he's a lawyer. I know he's very articulate, and I also know what impressed me was exactly the same thing that impressed -- two things impressed me, the same thing that impressed Senator Lack, and that is that he plans to put together all those

-- all those training problems where we are spending taxpayers' monies in training for this, in training for that and the other thing, when actually there are no jobs available for whatever kind of training, and that it has been in the same area as it has been stated in some newspapers there are a lot of people making a lot of money in supposedly providing training, either for welfare recipients or whatever, and they making money and the person is trained for a non-existent job.

I have heard the complaint here that Mr. Sweeney doesn't have experience in the area of labor. Well, to me, being brought up in a household where -- where, from being a very small child, you hear at the table conversations about the right of workers and what's happening, that is a very valuable experience. All right, as a professional himself, he only had three years in labor relations or whatever, in that area.

However, I say to you, Mr. President, psychologists do say that, in order

for you to complete successfully four years of college, you need an IQ of 110, and I suppose that that would be the minimum requirement also to complete a law degree so that just by sheer fact that this man has completed that degree, and has valued experience, doesn't lead me to believe that he needs just experience in the area of labor.

And let's be very realistic, I have to tell you, Mr. President, that many years back -- many years back, I was trying to have this friend of mine, a child psychiatry involving politics, and I was telling her of the reasons why she should get in, and then she said to me, "You know, Olga, it pleases me to see you so idealistic about government and everything else, but you know something, Olga, politics is jobs."

Now, I say to you, Mr. President, that the criticisms that this young man is too political for a job, it is so ridiculous. You know why? Because from the first executive in the nation, to a mayor in a little local county,

whether it is a Republican or a Democrat, they always do choose among people, that having with them, that to say the least, to have minimum qualifications for the job, but that they do trust, that in the area, the fact that in the business of politics, as it's called business of politics, loyalty and hard work are very, very priceless commodities.

I supported the nomination of Mr. Sweeney in the -- in the -- in the Finance Committee. I am supporting his confirmation today. I think that my colleagues do have a basis for complaining, and that is that the process in terms of the information that was given to us was compounded, was not given with enough time for everybody to have reviewed everything that that was available, but I think that -- I think that he'll end up doing a good job, and, if he does nothing else in the Department of Labor but consolidate all those enormous amount of training programs, I will say he's done a good job.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak to the confirmation prior to Senator Spano closing on the confirmation?

(There was no response.)

Hearing none, Senator Spano.

SENATOR SPANO: Thank you, Mr. President.

We've had -- we've had a number of questions about the process today and rewriting the rules and that's not what I'm going to address. I think that's been addressed adequately. It's time for us to talk about John Sweeney.

You know, John, you sat up there in the gallery, your kids fell asleep, your wife had to take a couple of them out of here. I don't know why; we all stayed awake. We're going to try to end this by 5:00 o'clock, because Senator Bruno said we're not going to work past 5:00 o'clock any day? Is it 5:00 o'clock or 12:00 o'clock? I forgot.

All of the questions that were

asked today of John Sweeney at our committee meeting today were answered by him, all of the information that was made available in the -- to the appropriate counsels and the questions that could have been developed as a result of that information could have been asked today in a timely fashion.

Senator Leichter said that the criteria for a Labor Commissioner should be that the person should be knowledgeable and informed and should have the basic standards and qualifications for the job. I will say to you that the person that we call the new sheriff in town, Governor George Pataki, tries to organize the government in a timely fashion, prepare a budget for submission to us in just a few short days from now, it's important that he have in place a team who will be working with him so that this process works and works well for all of our constituents, and I would submit to you, the members of this house, that we do, in fact, in the name of John Sweeney, have someone who is knowledgeable and informed and has more than the

basic standards and certainly has the qualifications to serve as the commissioner of the Department of Labor.

I think he will make a great commissioner, and I was pleased to accept the motion by Senator Gonzalez today in the Labor Committee this morning and the motion that we favorably recommend the -- John Sweeney's appointment, the nomination to the Finance Committee. I think it's wise that we're moving very quickly to make this happen. I think that John Sweeney is going to make a great commissioner, and you will make us all proud, and it's my pleasure to move your nomination.

ACTING PRESIDENT KUHL: The question is on the confirmation of John E. Sweeney to the position of Commissioner of Labor, state of New York. All those in favor, signify by saying aye.

(Response of "Aye".)

Opposed, nay.

SENATOR GOLD: Mr. President.

ACTING PRESIDENT KUHL: The Chair

recognizes Senator Gold.

SENATOR GOLD: I'll tell Senator Bruno, I will certainly be within my two minutes, well within my two minutes.

Mr. President, when there were Democratic Governors and there was a Republican Majority here, we had a checks and balance system. Now, with a Republican Governor, a Republican Senate, I think it's important that there not only continue to be a checks and balance system, but that everybody knows it's there.

You have the required 31 votes to confirm any nominee without a committee meeting, without a hearing. You can do it. What we've talked about in terms of process is very important, and I'll tell you the truth, I'm disappointed that some people on my side of the aisle talk about process, they say all of the right things, but when push comes to shove, they don't follow through, and I think in the long run, that's going to hurt us, because if we don't mean it, we shouldn't say it.

I also want to say one other thing. I don't blame any of this on George Pataki. George Pataki got elected. He is elected. His job is to appoint commissioners, and he sends down nominees, and if we then undertake to make a farce of the process, it's not George Pataki's fault.

The last thing I want to say that we cast a vote, and this business I've also heard of, "Well, if it turns out we're wrong, it's your fault because you're the Majority and it's your fault, Governor Pataki." I don't believe that either. The answer is I'm prepared to do work and I'm here to work, and if that work process is cut short by the Majority, then I still have to do my job, and I think the only responsible thing to do today with all due respect to Mr. Sweeney, who is a good, nice gentleman, but based upon answers he gave at the committee on prevailing wage and other matters like that, and specifically because of the process, I vote no.

ACTING PRESIDENT KUHL: Senator

Dollinger, to explain his vote.

SENATOR DOLLINGER: Mr. President, I rise just to comment on two issues.

One, I appreciate the comments from my colleague from Niagara County. In rethinking my own expression about the issue, the point I was trying to make, I may have struck with too broad a brush, and I apologize to you or anyone else for that.

The point I was trying to make is that it seems to me if you have accomplishments to back up your involvement in government, the coalescence of those two must be celebrated, should be celebrated. I look forward to the day, frankly, Senator Daly, not perhaps in the too distant future when I'll stand on this floor and I'll talk about your career and accomplishments and how you combined the two and achieved that goal. Then, it will be celebrated.

If, however, they do not coalesce, there is a danger that a skeptical public will say, we have the politics without

the accomplishments, and that will be demeaning to the political process. That was the point I was trying to make.

I'll close on only one other note, Mr. President. There's been some discussion about the importance of household on this nominee. I will simply point out I grew up in an orthodox Republican household and it didn't seem to have any effect.

ACTING PRESIDENT KUHL: Senator Jones to explain her vote.

SENATOR JONES: Yes. Mr. President, I listened very carefully here to the debate and I guess I came here two weeks ago very enthused and very excited because I am not afraid of change. I think all of you on that side of the aisle saw me the last two years many times raise my hands with all of you, because I thought you were right, so I don't think you can say that I'm a person who's necessarily partisan.

I agree with Senator Markowitz. I clearly didn't expect this to be any worse

off. I figured the only place we could go is up and the words I heard from the Governor saying "I was a minority person," I think everybody has a right to speak. I was thrilled.

I also heard people on the other side saying, maybe even our name would be allowed on a bill this year. I was thrilled again, but I'm not thrilled after what happened here today. All that was asked for by my colleagues, who are certainly far more knowledgeable about years past and precedents than asked for a week. That's all that was asked for, not confirmation, just one week, that we could ask some questions and could take a little time. I think that was very reasonable, and that would have said to me that all the other words I heard prior to this were true and I could look forward to a far better year than the last two, to be perfectly honest with you but I'm concerned at what happened today. That isn't the message that I got.

I don't know Mr. Sweeney. I know nothing about him except what I read on a piece

of paper, but I had heard questions that I wanted answered, so again, I'm going to support my colleagues in saying, I think it was a simple request, that the process could have been different and I want it clear, I'm not voting against Mr. Sweeney, but I am going to vote no on what happened here today.

ACTING PRESIDENT KUHL: Senator Connor, to explain his vote.

SENATOR CONNOR: Thank you, Mr. President.

I think everybody has explained what the real issue is, and it's a matter of time, it's a matter of procedure. Under the circumstances, I'd ask that the record reflect that I vote no.

ACTING PRESIDENT KUHL: Senator Bruno?

SENATOR BRUNO: Mr. President, to explain my vote.

I want to clarify a statement my good friend, Senator Connors, made in that I had indicated that we would guarantee a week's

notice for any confirmation. I don't recall that, and you and I can talk about that further.

We are going to govern in this chamber, and we will give as much advance notice as is appropriate. I personally resent some of the allegations here that we are acting, Mr. President, in some unconstitutional way. I have heard about the constitutional process. Everything that has happened in this chamber is according to the rules, regulations and laws of this chamber and this state, and I am honored and pleased to vote in favor of this highly qualified individual in moving his nomination.

ACTING PRESIDENT KUHL: The Chair will announce that the confirmation of John E. -- excuse me -- nomination of John E. Sweeney as Commissioner of Labor is, in fact, confirmed.

On behalf of Senator Bruno, Commissioner Sweeney, we congratulate you on your new position, wish you well.

(Applause.)

The Chair recognizes Senator Bruno.

SENATOR GOLD: Mr. President.

SENATOR BRUNO: Mr. President, there are some members that would like to be recorded in the negative. Would you please make a record of that.

ACTING PRESIDENT KUHL: Would those who specifically want to be recorded in the negative raise their hands.

The Secretary will read.

THE SECRETARY: Those recorded in the negative are Senator Gold, Senator Leichter, Senator Abate, Senator Dollinger, Senator Kruger, Senator Jones, also Senator Waldon, Senator Nanula, Senator Connor.

SENATOR BRUNO: Mr. President.

ACTING PRESIDENT KUHL: Senator Bruno.

SENATOR BRUNO: There being no further business to come before the Senate, I move that we stand adjourned until tomorrow at 2:00 p.m. -- 3:00 p.m.

ACTING PRESIDENT KUHL: The Senate stands adjourned until tomorrow at 3:00 p.m.

(Whereupon, at 5:10 p.m., the Senate adjourned.)