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ALBANY, NEW YORK

January 17, 1995

3:05 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY, President

STEPHEN F. SLOAN, Secretary

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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.

1 Reports of standing committees.
2 Reports of select committees.
3 Communications and reports from
4 state officers.

5 Motions and resolutions.

6 I'd like to recognize Senator
7 Bruno.

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

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

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

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

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

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

3 SENATOR SKELOS: Thank you very
4 much, Senator Bruno.

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

9 I want to give you a little bit
10 of George Sinnott's background. He's a
11 decorated Vietnam veteran, served from 1966 to
12 1968, was honorably discharged. He's been a
13 long-time public servant; 1974 to '86, town of
14 Hempstead, finished as their director of
15 personnel. In Nassau County, he was also a
16 director of personnel until moving to the Albany
17 area to serve as a member of the New York State
18 Employee Relations Board. He then moved to
19 Clifton Park from my district in Baldwin where
20 his career has skyrocketed because of a
21 particular Senator, who his -- he now
22 represents, our Senate Majority Leader, Joe
23 Bruno.

1 Other achievements of George

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

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

23 We miss George in Nassau County,

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

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

1 Sinnott family.

2 Thank you, Madam President.

3 THE PRESIDENT: Thank you,
4 Senator Skelos.

5 I'd like to recognize Senator
6 Levy.

7 SENATOR LEVY: Thank you very
8 much, Madam President.

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

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

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

6 THE PRESIDENT: Thank you,
7 Senator Levy.

8 Senator Mendez.

9 SENATOR MENDEZ: Thank you, Madam
10 President.

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

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

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

9 Thank you, Madam President.

10 THE PRESIDENT: Thank you,
11 Senator Mendez.

12 Senator Tully.

13 SENATOR TULLY: Yes, Madam
14 President.

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

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

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

10 Lots of good luck, George.

11 THE PRESIDENT: Thank you,
12 Senator Tully.

13 Senator Markowitz.

14 SENATOR MARKOWITZ: Thank you
15 very much.

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

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

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

5 THE PRESIDENT: Thank you.

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

8 Senator Bruno.

9 SENATOR BRUNO: Yes, Madam
10 President.

11 To Senator Levy, Senator Skelos
12 and to the others, you're right, Nassau lost a
13 great citizen, but Saratoga County, part of the
14 43rd Senatorial District, gained a citizen as
15 did the state, so I just want to echo the
16 sentiments of what has been said here on behalf
17 of George.

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

1 here in the Senate.

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

7 Thank you.

8 THE PRESIDENT: Thank you,
9 Senator Bruno.

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

13 (Response of "Aye".)

14 All those opposed, signify by
15 saying nay.

16 (There was no response.)

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

20 (Applause.)

21 The Secretary will read.

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

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

3 SENATOR LEICHTER: Madam
4 President.

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

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

10 THE PRESIDENT: Sorry.

11 SENATOR LEICHTER: Thank you.

12 I want to move at this time -

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

16 THE PRESIDENT: Senator Bruno.

17 SENATOR BRUNO: Who has the
18 floor?

19 THE PRESIDENT: I believe Senator
20 Bruno has the floor.

21 SENATOR LEICHTER: All right.

22 Then, Madam President, I'd ask to be
23 recognized. I understand he has the floor, but

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

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

4 SENATOR LEICHTER: Yes, because I
5 have a motion.

6 SENATOR BRUNO: I defer to
7 Senator -

8 THE PRESIDENT: Thank you.

9 SENATOR LEICHTER: Thank you,
10 Senator Bruno.

11 THE PRESIDENT: Senator Bruno
12 yields the floor.

13 SENATOR LEICHTER: Madam
14 President, thank you.

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

23 I'm making this motion because I

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

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

6 SENATOR BRUNO: That's correct.

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

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

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

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

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

3 SENATOR BRUNO: Madam President
4 -- Madam President -- Madam President.

5 THE PRESIDENT: Senator Bruno.

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

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

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

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

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

9 SENATOR BRUNO: Thank you, Madam
10 President.

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

14 THE PRESIDENT: Senator Leichter.

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

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

1 nominations.

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

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

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

18 THE PRESIDENT: Thank you.
19 On the motion of Senator
20 Leichter.

21 SENATOR GOLD: Madam President.

22 THE PRESIDENT: Senator Gold.

23 SENATOR GOLD: On the roll call,

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

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

6 (Response of "Aye".)

7 SENATOR GOLD: Madam President.

8 THE PRESIDENT: All those in
9 favor say nay.

10 SENATOR GOLD: Madam President.

11 (Response of "Nay".)

12 SENATOR GOLD: Madam President.

13 THE PRESIDENT: Yes, Senator
14 Gold.

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

17 THE PRESIDENT: Senator Gold.

18 SENATOR WALDON: And Senator
19 Waldon.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 THE PRESIDENT: Thank you.

8 SENATOR GOLD: I vote to support
9 the motion.

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

12 SENATOR GOLD: Was I more than
13 two minutes?

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

17 SENATOR WALDON: Thank you very
18 much, Madam President.

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

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

10 THE PRESIDENT: Thank you,
11 Senator Waldon.

12 Senator Abate.

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

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

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

13 THE PRESIDENT: Thank you,
14 Senator Abate.

15 Senator Lack.

16 SENATOR LACK: Thank you, Madam
17 President.

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

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

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

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

10 THE PRESIDENT: Senator Paterson.

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

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

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

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

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

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

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

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

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

23 So I have a feeling, Senator

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

13 SENATOR HANNON: Madam President.

14 THE PRESIDENT: Senator Hannon.

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

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

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

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

13 SENATOR LEICHTER: Madam
14 President.

15 THE PRESIDENT: I recognize
16 Senator Leichter.

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

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

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

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

1 SENATOR DALY: Will the Senator
2 yield?

3 THE PRESIDENT: Senator Daly.

4 SENATOR DALY: Will the Senator
5 yield?

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

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

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

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

21 THE PRESIDENT: Thank you,
22 Senator Leichter.

23 A point of clarification.

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

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

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

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

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

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

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

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

17 Thank you.

18 THE PRESIDENT: Thank you,
19 Senator Stafford.

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

23 SENATOR SPANO: Thank you, Madam

1 President.

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

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

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

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

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

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

23 We don't take this as a game. We

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

7 Thank you, Madam President.

8 THE PRESIDENT: Thank you.

9 Senator Maltese.

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

1 process.

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

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

13 THE PRESIDENT: Thank you,
14 Senator Maltese.

15 Senator Connor.

16 SENATOR CONNOR: Thank you, Madam
17 President.

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

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

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

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

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

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

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

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

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

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

23 Now, the one thing I want to say,

1 Madam President -

2 THE PRESIDENT: Point of order.

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

10 Thank you, Madam President.

11 THE PRESIDENT: I would like to
12 recognize Senator Bruno.

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

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

19 SENATOR BRUNO: Thank you.

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

22 Senator Bruno.

23 SENATOR BRUNO: Thank you, Madam

1 President.

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

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

22 The administration recognizes
23 that Civil Service, protecting the rights of

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

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

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

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

5 Is he aggressive? Yes, he is.

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

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

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

4 Thank you, Madam President.

5 THE PRESIDENT: Thank you,
6 Senator Bruno.

7 I'd like to recognize Senator
8 Spano.

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

11 THE PRESIDENT: Yes.

12 SENATOR SPANO: Do you have a
13 list?

14 THE PRESIDENT: Yes.

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

17 Thank you.

18 THE PRESIDENT: Senator Nozzolio.

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

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

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

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

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

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

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

13 Thank you, Madam President.

14 THE PRESIDENT: Thank you.

15 Senator Dollinger.

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

23 THE PRESIDENT: Senator Spano.

1 (Senator Spano nods head.)

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

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

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

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

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

7 SENATOR DOLLINGER: Again through
8 you, Madam President.

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

14 THE PRESIDENT: Senator Spano.

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

1 of the working men and women of the state.

2 SENATOR DOLLINGER: Again,
3 through you, Madam President.

4 THE PRESIDENT: Senator
5 Dollinger.

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

11 THE PRESIDENT: Senator Spano.

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

15 SENATOR DOLLINGER: For how
16 long?

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

20 SENATOR DOLLINGER: I believe,
21 three.

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

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

15 SENATOR DOLLINGER: I guess my
16 question -

17 THE PRESIDENT: Senator
18 Dollinger.

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

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

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

8 THE PRESIDENT: Senator Spano.

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

20 SENATOR DOLLINGER: Okay.

21 THE PRESIDENT: Senator
22 Dollinger.

23 SENATOR DOLLINGER: Again through

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

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

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

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

20 THE PRESIDENT: Senator Spano.

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

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

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

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

23 I understand, as in the Court of

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

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

19 THE PRESIDENT: Senator Spano.

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

23 I just want to make sure. Since

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

13 THE PRESIDENT: Senator Spano.

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

16 THE PRESIDENT: Senator Spano.

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

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

6 THE PRESIDENT: Senator
7 Dollinger.

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

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

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

21 THE PRESIDENT: Senator Stafford.

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

1 little.

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

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

11 SENATOR DOLLINGER: Madam
12 President, I just -

13 SENATOR STAFFORD: Let me finish.

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

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

20 THE PRESIDENT: Senator Stafford.

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

1 guy.

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

4 SENATOR STAFFORD: Pardon?

5 SENATOR DOLLINGER: Nothing.

6 SENATOR STAFFORD: Good. That
7 was good judgment.

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

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

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

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

3 SENATOR LACK: Madam President.

4 THE PRESIDENT: Senator Lack.

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

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

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

1 come to this floor.

2 SENATOR DOLLINGER: I appreciate

3 Senator -

4 THE PRESIDENT: Senator

5 Dollinger.

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

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

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

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

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

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

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

1 that this nominee has done that.

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

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

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

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

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

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

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

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

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

8 SENATOR SKELOS: Would Senator
9 Dollinger yield?

10 THE PRESIDENT: Senator Skelos.

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

14 SENATOR SKELOS: Could I have a
15 point of information?

16 THE PRESIDENT: State your point,
17 please.

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

22 SENATOR DOLLINGER: That's
23 correct.

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

9 (Applause.)

10 THE PRESIDENT: Senator
11 Dollinger.

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

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

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

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

3 I will vote no.

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

7 Senator Markowitz.

8 SENATOR MARKOWITZ: Thank you
9 very much, Madam President.

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

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

1 department to have.

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

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

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

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

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

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

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

11 THE PRESIDENT: Senator DiCarlo.

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

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

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

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

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

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

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

5 THE PRESIDENT: Thank you,
6 Senator DiCarlo.

7 Senator Nanula.

8 SENATOR NANULA: Rising to
9 explain my vote.

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

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

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

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

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

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

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

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

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

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

21 THE PRESIDENT: Senator Lack.

22 SENATOR LACK: Thank you, Madam
23 President.

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

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

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

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

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

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

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

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

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

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

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

19 THE PRESIDENT: The Chair
20 recognizes Senator Leichter.

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

23 I think the Governor's

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

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

23 I'm going to vote against this

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

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

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

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

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

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

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

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

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

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

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

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

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

5 ACTING PRESIDENT KUHL: The Chair
6 recognizes Senator Paterson.

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

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

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

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

1 achieved prior to an actual nomination.

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

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

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

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

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

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

4 Senator Gonzalez.

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

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

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

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

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

1 I proudly second and vote for
2 him.

3 ACTING PRESIDENT KUHL: Senator
4 Skelos passes.

5 Senator Daly.

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

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

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

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

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

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

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

6 ACTING PRESIDENT KUHL: Senator
7 Waldon.

8 SENATOR WALDON: Thank you, Mr.
9 President.

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

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

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

10 I also very well understand that
11 each of us was elected by constituents of
12 300,000 people who empowered to us come here and
13 to act on their behalf. And today, the
14 information that I received regarding this
15 nominee caused me to honor that commitment to
16 the people who have elected me to serve here
17 with you, my colleagues, and to raise certain
18 concerns.

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

1 sufficient prerequisite preparation, if there
2 were other things evidenced.

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

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

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

3 ACTING PRESIDENT KUHL: The Chair
4 recognizes Senator Stachowski.

5 SENATOR STACHOWSKI: Mr.
6 President, just briefly.

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

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

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

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

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

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

20 ACTING PRESIDENT KUHL: The Chair
21 recognizes Senator Mendez.

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

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

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

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

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

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

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

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

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

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

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

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

23 Thank you, Mr. President.

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

5 (There was no response.)

6 Hearing none, Senator Spano.

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

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

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

23 All of the questions that were

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

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

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

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

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

20 (Response of "Aye".)

21 Opposed, nay.

22 SENATOR GOLD: Mr. President.

23 ACTING PRESIDENT KUHL: The Chair

1 recognizes Senator Gold.

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

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

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

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

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

23 ACTING PRESIDENT KUHL: Senator

1 Dollinger, to explain his vote.

2 SENATOR DOLLINGER: Mr.

3 President, I rise just to comment on two issues.

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

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

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

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

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

10 ACTING PRESIDENT KUHL: Senator
11 Jones to explain her vote.

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

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

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

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

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

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

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

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

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

17 ACTING PRESIDENT KUHL: Senator
18 Bruno?

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

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

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

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

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

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

23 (Applause.)

1 The Chair recognizes Senator
2 Bruno.

3 SENATOR GOLD: Mr. President.

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

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

11 The Secretary will read.

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

17 SENATOR BRUNO: Mr. President.

18 ACTING PRESIDENT KUHL: Senator
19 Bruno.

20 SENATOR BRUNO: There being no
21 further business to come before the Senate, I
22 move that we stand adjourned until tomorrow at
23 2:00 p.m. -- 3:00 p.m.

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

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