

3 Cuomo nominees left hanging in Senate's rush toward recess

By JOEL STASHENKO

ALBANY, N.Y. (AP) — Gov. Mario Cuomo's nominations for the heads of three key state agencies won't be acted on before the state Senate recesses for the summer, Senate officials said yesterday.

Lawmakers said the nominations of Donald Chesworth Jr. as new State Police superintendent, of Steven Katz as commissioner of the state Office of Mental Health and of Arthur Webb as commissioner of the state Office of Mental Retardation and Developmental Disabilities all came too late to allow the Senate to properly consider them.

Under state law, the Republican-controlled Senate has to confirm the top gubernatorial nominees before they can officially take over their duties.

State Sen. Ralph Marino, R-Nassau, said that his Senate Crime and Correction Committee won't have time to look at Chesworth's nomination seriously before the Senate wraps up its regular session.

"I'm not going to do him," Marino said. "Until they give me time to do him properly, I'm not going to. I want to hold hearings. They've got to give me a couple of weeks."

Chesworth was nominated by the governor to succeed William Connelie on June 14.

Senate Mental Hygiene and Addiction Control Committee Chairman Frank Padavan, R-Queens, similarly said he wants to hold hearings on the nominations of Katz and Webb before

making a determination of their fitness for the mental health jobs. Those officials were nominated by Cuomo on June 17.

The committees run by Marino and Padavan must approve the nominations before they will be considered by the Senate's powerful Finance Committee, chaired by Sen. John J. Marchi, R-Ward Hill. If they pass muster before that key fiscal panel, the nominations are then allowed out for a vote before the full Senate.

"Time just ran out," said Cuomo spokeswoman Betsy Weiss of the nominations.

She said the agencies the three were supposed to take over "will not be leaderless."

Under the rules of the Senate, Katz, Webb and Chesworth can't assume their duties — even in an acting capacity — because their nominations were made and not acted on when the Senate was in session. Since the Senate never technically goes "out of session" any longer, such nominations could hang indefinitely in the Senate until they are confirmed or withdrawn by the governor.

That will mean officials who are now running the agencies will have to continue, or the governor can designate new acting heads.

Gerald McLaughlin, an aide to Marchi, said the nominations for Webb, Katz and Chesworth will

now likely be considered by the Senate during a special session of the Legislature.

While no such meeting has yet been officially scheduled by legislative leaders, lawmakers have returned recently for a week or so late in the year to deal with particularly thorny issues they don't want to tackle in the hectic waning days of their regular sessions.

If the Senate does come back later this year, it will also still be facing the nomination of William Haddad as head of the State of New York Mortgage Agency. Cuomo on May 27 put forward the name of his 1982 gubernatorial campaign's political coordinator for the post, but that drew almost immediate complaints from Senate Republicans.

Some Senate officials are uneasy with Haddad's reputation for playing "hard-ball" politics and any formal consideration of his nomination was shelved.

One Senate source said yesterday that the Haddad nomination isn't dead at this point, it's just been put on the back burner for a while.

"No decision has been made to my knowledge to kill the nomination," said the source, who asked for anonymity. Other Senate sources have hinted that if Cuomo sticks with the Haddad nomination long enough, it will eventually be done.