



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' ~ for the week of June 1, 2020 ~ 'Time to end government by executive order'

THOMAS F. O'MARA June 1, 2020

| ISSUE: **CORONAVIRUS PANDEMIC; COVID-19**



Since March, New York Governor Andrew Cuomo has issued thirty-three Executive Orders that allowed the governor to unilaterally change at least 250 state laws, as well as implement rules and regulations and make spending decisions, without legislative approval.

Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature, as well as on legislative actions, local initiatives, state programs and policies, and more. Stop back every Monday for Senator O'Mara's latest column "From the Capitol..."

This week, "Time to end government by executive order"

[See above attached copy of Senator O'Mara's column in The Leader on May 31, 2020]

Since March, New York Governor Andrew Cuomo has issued thirty-three Executive Orders that allowed the governor to unilaterally change *at least 250 state laws*, as well as implement rules and regulations and make spending decisions, without legislative approval.

Emergency executive powers were necessary at the outset of the COVID-19 response, which required quick decisions on a rapidly changing public health crisis. This public health response has worked and that's a great credit to so many across the local, federal, and state spectrum of agencies and organizations, public and private, who stepped up.

It's a tribute, as well, to the admirable cooperation, perseverance, and sacrifice by thousands of essential workers and millions of New Yorkers who implemented and honored the public health safeguards. Thank you.

Now we move forward and begin finding solid ground again. We do that by keeping careful watch on public health while working in earnest to repair the unprecedented economic pain that's been inflicted.

We keep going, keep holding the line, and keep reassessing the response.

Nearly three months down this new road, it's time to end government by Cuomo executive order. Endless executive orders are a recipe for failure.

The Legislature needs to step in here and deliver not only a strong voice for upstate regions, but some common sense as well. The move into the Phase 2 reopening upstate, for example, has caused unnecessary anger, exasperation, and frustration, not to mention the prolonged hit delivered to our livelihoods and local economies.

Last week, I joined other Senate Republicans to move legislation that, if enacted, would have immediately ended the governor's unilateral emergency powers. Our proposal would put New York's disaster emergency control policy in line with other states that limit an Executive's powers to 30 days and require legislative approval for extending them.

(Our news conference, including my comments, can be viewed [HERE](#).)

The legislation would also mandate that the Governor provide weekly reports to the Legislature during an emergency declaration to ensure accountability and transparency – accountability and transparency that’s woefully needed at this moment to, among other things, provide a full accounting of the Cuomo administration’s spending on the COVID-19 response. Recall that a recent Buffalo News report estimated that the governor has already authorized at least \$3 billion on the COVID-19 response. Some question whether the spending is being done with the appropriate, independent oversight.

Unfortunately, our amendment was unanimously defeated by the downstate-led, extreme-liberal Senate Democrat majority. The fact that NOT ONE Democrat Upstate Senator or member of the Assembly voted in favor of limiting Governor Cuomo's executive powers demonstrates loudly and clearly that Democrats in the State Legislature are not serious about checking the governor’s current powers.

Overall, here’s the point: A government without checks and balances goes too far and fails to be effective.

The same goes for a government under one-party control.

Of course, the most egregious example of the failure of government by executive order is occurring within New York’s nursing homes, where unilateral decisions by the Cuomo administration have proven tragic.

Governor Cuomo can no longer be allowed to just issue another directive or another unfunded state mandate out of Albany and leave this nursing home crisis to be addressed at the local level.

Here’s what I wrote a few weeks in this column, “Governor Cuomo appears tempted now to go too far, too fast, unilaterally. It raises serious and significant legislative concerns.”

We shouldn’t allow it to keep going unchecked and risk our upstate regions, workers, businesses, taxpayers, and communities paying an enormous price today, and well into the future.