



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' ~ for the week of June 14, 2021 ~ 'A session of turning points in the NYS Legislature'

THOMAS F. O'MARA June 14, 2021

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This Legislature's majorities ignored the most critical turning point of all, which would have been to go all-in on ending Cuomo's unilateral powers, restore local decision-making, and get fully on board with a safe, practical, sensible, and badly needed reopening of our local communities and economies.

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...

This week, "A session of turning points in the NYS Legislature"

The State Legislature's 2021 regular session, which ended late last week, will have long-lasting ramifications for our region and for all New Yorkers.

Without question, it will be remembered as a year of turning points -- the biggest one, of course, being that we have finally started turning the corner on the COVID-19 pandemic with steadily dropping infection rates and rising numbers of vaccinations. I'll get back to the pandemic emergency later in this column.

The new 2021-2022 state budget, as I have pointed out numerous times in this column, increased state taxes by nearly \$5 billion and hiked state government spending by a whopping \$18 billion (to an eye-popping total of \$212 billion – a budget more than the budgets of the more populous and growing states of Florida and Texas combined).

In fact, the Albany Democrat giveaway in this new budget went far beyond any reasonable sense of fairness, responsibility, or sustainability for hard-working, taxpaying citizens. Governor Cuomo and the legislative Democrat supermajorities enacted a tax-and-spend plan that will force future generations of taxpayers to foot an enormous bill for the pursuit of a so-called progressive, far-left, extremely liberal, largely New York City-based agenda. It's an outrageous wish list. In a state long known as one of the highest-taxed, highest-spending states in America, this Albany Democrat vision for New York's future sets a new standard of foolhardiness, including a new taxpayer-financed, \$2.1-billion fund to provide lump-sum payments of up to \$15,600 to illegal immigrants who were excluded from receiving federal stimulus checks or unemployment benefits since the start of the COVID-19 pandemic.

We had an opportunity and a responsibility to utilize a one-time windfall of roughly \$13 billion in federal stimulus aid under a fiscally responsible, short- and long-term strategy for the post-COVID rebuilding, restoring, and resetting of local communities, economies, environments, and governments for the long term. Equally important, we needed to recognize the fiscal cliffs New York could face for the foreseeable future, steer clear of any massive new taxing and spending, and bolster the state's emergency reserve funds. That's not what this budget did. It sets up an economic and fiscal disaster.

This year's budget is another turning point, in my view, one that moves New York toward an even more unsustainable future for generations of taxpayers. Recall the "Gap Elimination Adjustment"

draconian cuts to education Albany Democrats imposed in 2010, the last time they held majorities in both houses of the State Legislature. They've set us up for similar cuts two years from now after the Democrats blow through the federal COVID-19 relief windfall and this year's record increase in state spending.

The same goes for this state government's direction on issues of criminal justice and corrections, and law and order. Bail and discovery reform, parole reform, prison inmate violence, a building "defund the police" movement within the highest levels of state government, over the past two years under one-party control of state government, we have seen a pro-criminal mentality take hold, one that has gone too far and keeps going too far in New York.

It also marks a dangerous and disturbing turning point for public safety and security. We need to keep standing up, speaking out, and working against it.

Back to the pandemic. One of the year's most egregious turning points, for me, is that the Albany Democrats left town last week without declaring an end to the COVID-19 state of emergency declaration in New York State and without bringing an end to Governor Cuomo's one-man rule.

The so-called repeal action by the Legislature's Democrat supermajorities back in March was nothing more than a smokescreen to allow the continuation of government by Cuomo edict. In fact, that action removed the April 30, 2021 date when the governor's powers were supposed to automatically expire and, instead, extended Cuomo's unilateral powers indefinitely until he declares it. Don't hold your breath.

In short, at a time when our local communities and economies should be facing an optimistic turning point in the COVID-19 pandemic and fully making their own reopening decisions, they are faced with continuing to be at the arbitrary, non-scientific, non-sensible whims of this governor who continues to flail under several mounting investigations of his abuse of power. The continued mask mandate for children in schools is just the latest outrageous example.

Under current rules, the Legislature can rescind Cuomo's pandemic emergency powers by approving a Concurrent Resolution. Senate and Assembly Republicans put forth a resolution to do just that, but the Democrat majorities ended the session without acting. In other words, they have left Governor Cuomo completely in control for the foreseeable future – even while this governor is scandal-scarred and facing multiple investigations.

That's an unthinkable abandonment of legislative responsibility. There was a need for flexible and swift executive action at the start of the pandemic in March 2020, when so much was unknown. But that time quickly passed.

Since the onset of the pandemic over fifteen months ago, when the governor was first granted the emergency authorization, he has issued nearly 100 Executive Orders that have allowed him to unilaterally change hundreds of state laws, as well as implement rules and regulations, and make spending decisions, without legislative approval.

Many of the governor's actions have now gone well beyond the necessary scope of the COVID-19 response.

Over the past 15 months, since May 2020, the Senate GOP has advanced more than 50 motions on the Senate floor to execute a straight-out repeal of the governor's emergency pandemic powers. Every single one of these Senate Republican motions was rejected by the Senate Democrat majority without one Democrat voting to end Cuomo's tyrannical control.

Endless executive orders have failed and keep failing New York's local communities, families, economies, and workers. It's unthinkable that the Albany Democrats will continue to let Governor Cuomo sit in Albany, exert total control, and issue directive after directive without any regard for legislative checks and balances, or local input.

This Legislature's majorities ignored the most critical turning point of all, which would have been to go all-in on ending Cuomo's unilateral powers, restore local decision-making, and get fully on board with a safe, practical, sensible, and badly needed reopening of our local communities and economies.

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