



NEW YORK STATE SENATOR

Thomas F. O'Mara

O'Mara announces measure to strengthen legislative oversight of emergency regulations: In wake of state overreach on mandates, proposal fights for individuals, small businesses, local governments

THOMAS F. O'MARA December 14, 2021

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One of the most damaging and egregious shortcomings of New York State's pandemic response up to now has been the complete lack of local decision-making and legislative oversight.

**Albany, N.Y., December 14**—State Senator Tom O'Mara (R,C,I-Big Flats) today announced he will introduce legislation that would remove the authority for New York State agencies to automatically renew emergency regulations without the involvement of the State Legislature.

“One of the most damaging and egregious shortcomings of New York State's pandemic response up to now has been the complete lack of local decision-making and legislative oversight. Former Governor Cuomo ignored it with devastating consequences. Unfortunately, Governor Hochul refuses to recognize

that government by executive order doesn't work. We should learn our lessons. One size does not fit all throughout New York State. Moving forward, I believe our responses would be more reasonable, fair, and, especially, effective with greater input from our local public health professionals and leaders on the front lines," O'Mara said.

"The recent statewide mask mandate declared by Governor Hochul is reminiscent of the heavy handed approach of her predecessor. This directive was clearly announced without input from impacted communities and stakeholders and lacked any legislative oversight. This measure from Senator O'Mara will provide the necessary checks and balances and a deliberative process before emergency regulations can be renewed," said Leader Ortt, cosponsor of the measure.

Currently, State Administrative Procedure Law (SAPA) §202(6)(b) allows an emergency regulation to be in effect for 90 days, and it also allows state agencies to re-adopt and extend the regulation for periods of 60 days without any legislative input or approval. This proposal would change existing law and curtail the power of state agencies by requiring them to obtain legislative approval for any extension of "emergency" regulations. It would also reduce the duration of these extensions from 60 days to 30 days, with legislative approval.

The proposal responds to the recent mask mandate issued by Governor Hochul. The mask mandate was forced on countless local governments and small businesses without their input, nor that of their legislative representatives, regarding the ability to implement and enforce this new regulation.

"Instead of Albany-knows-best directives, we should be empowering local officials to act in the best interest of their communities. I applaud all of the local officials who have refused to enforce Governor Hochul's half-baked directive. These officials are instead working to help expand public health resources, including more vaccination and testing sites," concluded Leader Ortt.