



NEW YORK STATE SENATOR

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Senator O'Mara's weekly column 'From the Capitol' -- for the week of September 5, 2022 -- 'New York remains under extreme executive control'

THOMAS F. O'MARA September 6, 2022

| ISSUE: **EXECUTIVE ORDERS**



New York State already ranks near the bottom in too many categories of affordability, freedom, and quality of life. This continued slow-walk won't help.

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, "New York remains under extreme executive control"

Recently, Governor Kathy Hochul once again extended her executive powers, under the guise of an ongoing COVID-19 emergency declaration, which continues to give New York's chief executive broad and unprecedented authority to take unilateral actions.

These powers were put in place more than two years ago under former Governor Andrew Cuomo, at the very beginning of the pandemic, and they've worked against the best interests of far too many New Yorkers ever since.

They're no longer needed, but Governor Hochul appears to be having a tough time letting them go.

In other words, she appears more than satisfied for New York to remain a state under the control of extreme executive order, where she and she alone can call the shots, without legislative checks and balances, and ignoring the dire need for local decision-making.

It has been unending over the past two-plus years of this COVID-19 response and recovery. Since the onset of the pandemic in March 2020, more than 100 Executive Orders out of Albany have unilaterally changed hundreds of state laws, as well as implemented rules and regulations and made spending decisions, without legislative approval.

Despite mounting evidence to the contrary, Governor Hochul has only slowly seen fit to lift COVID-related mandates for businesses, schools, and in other places.

Yet even these limited rollbacks have taken far too long and still don't go far enough.

It's time to fully repeal unnecessary pandemic rules and mandates.

Neighboring states, and many places across the nation and around the world, are taking bold steps into a post-COVID return to common sense. We are not and it continues to take an unnecessary toll on local communities, economies, and workers across the Southern Tier and Finger Lakes regions, and statewide.

New York State already ranks near the bottom in too many categories of affordability, freedom, and quality of life. This continued slow-walk won't help.

Throughout this legislative session, our Senate Republican Conference has attempted to get New York State moving again. In particular, we have highlighted the glaring lack of movement by Albany Democrats to get this state out from under the vice-like grip of executive orders, one-party

mandates, and other unilateral actions that will continue to drive New Yorkers away and this state overall into the ground.

I'm referring to actions like the no-bail law that continues to tie the hands of judges to be able to use their discretion to keep dangerous and violent criminals off the streets. Governor Hochul and Democrat legislative leaders refuse to recognize the failures of this disastrous law. They refuse to heed the warnings from law enforcement or even from top-elected officials from their own party in violence-ridden cities, including New York City Mayor Eric Adams.

Actions like the non-elected, unaccountable Farm Wage Board sending down a preordained recommendation to lower the current farm worker overtime threshold from 60 to 40 hours. It's a move that, if left to stand by Governor Hochul, puts the future of farming and agriculture in New York State at risk.

Actions like the breakneck speed that this state is moving to remake the future of energy for our businesses, communities, and residents through a "Climate Leadership and Climate Protection Act" (CLCPA) that lacks any serious or transparent cost-benefit analyses of its impact on feasibility, affordability, and reliability.

Actions like New York's newly implemented concealed carry law that further erodes Second Amendment rights in this state and, in effect, criminalizes our citizens' right to self-defense.

Actions like Albany's non-action on addressing this state's \$8 billion Unemployment Insurance crisis -- a massive new tax on already struggling employers that risks any hope for a full and vibrant post-COVID economic recovery for far too many businesses, workers, and local economies.

Or actions like the ongoing lack of urgency by the Hochul administration and legislative majorities to undertake a top-to-bottom reexamination of the state's Covid-19 response -- its costs, its shortcomings, its outright failures, what worked and what did not, what actions should remain in place going forward and what needs to be scrapped immediately.

I have been a strong and frequent critic of New York's pandemic response over the past two years, especially in nursing homes. It's important to reexamine the former Cuomo administration's role and, now, the Hochul administration's response to it. Important questions are still going unanswered about the most devastating public health crisis this state has ever confronted. We need to fully understand how this tragedy unfolded.

The longer this reassessment is delayed -- and make no mistake, it is being slow-walked by this administration -- the more transparency falls by the wayside, and the more suspicions of

stonewalling and whitewashing will erode its credibility and hinder the effectiveness of New York's response to future public health crises.

Dictates, executive orders, and endless mandates have been running this state into the ground.

It's long past time to fully restore the legislative process, checks and balances, and local decision-making.

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