



NEW YORK STATE SENATOR

Thomas F. O'Mara

## Senator O'Mara's weekly column 'From the Capitol' ~ for the week of December 21, 2020 ~ 'Time to end government by executive order'

THOMAS F. O'MARA December 21, 2020

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A government without checks and balances goes too far and fails to be effective.

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, "Time to end government by executive order"

Since March, New York Governor Andrew Cuomo has issued dozens of 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.

Emergency executive powers were necessary at the outset of the COVID-19 response, which required quick decisions on an unknown and rapidly changing public health crisis. The scope of this public health response has been carried out diligently and tirelessly across the local, federal, and state spectrum of agencies and organizations, public and private, who have stepped up.

It has also been carried out because of admirable cooperation, perseverance, and sacrifice by thousands of essential workers and millions of New Yorkers who implemented and honored the public health safeguards.

Now with the beginning of nationwide vaccinations, 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 ten months down this hard road, then, it's time to end government by Cuomo executive order. Endless executive orders are a recipe for failure and, in fact, are failing in some fundamental ways.

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

Back in May, I joined Senate Republican colleagues 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.

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 it's been estimated that the governor has already authorized several billions of dollars on the COVID-19

response. Some question whether the spending has been and 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 a single 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, the bottom line is this: 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 occurred 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 callously disregard local input.

Several months ago I wrote, "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.

The first order of business for this Legislature — and the sooner, the better that it's acted on — is to restore our decision-making authority as a fundamentally strong, locally based voice in state government.