



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' ~ for the week of February 14, 2022 ~ 'A state that remains under too much Albany control'

THOMAS F. O'MARA February 14, 2022

| ISSUE: **NEW YORK STATE MANDATES**



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.

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 state that remains under too much Albany control”

From agriculture to wearing masks, New York continues to be a state under the control of extreme executive order, without legislative checks and balances, and ignoring the dire need for local decision-making.

It has been unending over the past two years of this ongoing COVID-19 response and recovery.

Last week, Governor Kathy Hochul did finally see fit to lift the statewide mask mandate for businesses. But it took far too long and it doesn't go far enough. 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, freedoms, and quality of life. This continued slow walk won't help. For example, the continuation of an irrational and unscientific mask mandate for school children, without a definitive end in sight, continues to define New York as a state being left behind.

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.

Or actions like the apparent disregard 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 didn’t, what actions should remain in place going forward and what needs to be scrapped immediately.

Since the onset of the pandemic in March 2020, over 100 Executive Orders out of Albany have unilaterally changed hundreds of state laws, as well as implemented rules and regulations and make spending decisions, without legislative approval.

This is especially the case surrounding the COVID-19 failure and tragedy that unfolded within nursing homes. In recent appearances before the state Legislature, the governor’s top health adviser, new Department of Health Commissioner Mary Bassett, has consistently dodged questions on the need for a comprehensive investigation and fully transparent accounting of what has taken place – and continues to take place.

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 examine 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.

Or as the Empire Center’s Bill Hammond, one of the leading watchdogs of the state’s response throughout the pandemic, states it, “Disappointingly, Governor Hochul’s budget makes no provision for studying one of the worst disasters in state history. Moreover, Health Commissioner Mary Bassett seemed to reject the concept at her confirmation hearing. Dr. Bassett said she has chosen to look forward rather than back. In this situation, however, preparing for the future requires understanding the past. In the absence of leadership from the executive branch, the Legislature should develop its own investigative plan – either by exercising its oversight role or, preferably, commissioning a panel of outside experts. The time to learn the lessons of COVID is now, while the evidence is fresh and before the next virus strikes.”

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