



NEW YORK STATE SENATOR

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## Senate Democrats Reject Republican Effort To Rescind Governor's Power and Give Needed Help To Nursing Homes

JOHN J. FLANAGAN May 28, 2020

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With the Legislature back in session for two days, the **New York State Senate Republican Conference proposed amendments** to immediately end the Governor's disaster emergency power and provide our underfunded nursing homes with a desperately needed \$100 million allocation for testing, PPE, and staffing.

*Senate Democrats unanimously rejected both proposals.*

The first proposal, sponsored by **Senators Joe Griffo** and **Patrick Gallivan**, would have immediately stopped the Governor's one-man rule of New York State after nearly 90 days of control.

The proposal would have put New York disaster emergency control policy in line with other states, which limit an Executive's powers to 30 days, and would have required the Governor to receive Legislative approval for continuation of such powers. The amendment also would have mandated that the Governor transmit weekly reports to the Legislature during an emergency declaration and would have created communication between the governor and the parties affected by a suspension of laws during a state disaster emergency.

Since early March, the Governor has issued 33 Executive Orders and has changed 250 laws. In a March 25 directive, he ordered that nursing homes and long term care facilities accept COVID positive patients, **a fatal move which is believed to have contributed to 5,800 deaths.**

**Senator Sue Serino**, the Aging Committee's Ranking member, proposed the Protecting Our Nursing Homes amendment to direct \$100 million in unused Federal CARES Act funding to nursing homes, assisted living, and long term care facilities to help purchase testing supplies, PPE, and hire additional staff.

Democrats cut funding to nursing homes in March and today unanimously rejected the Republican Protecting Our Nursing Homes amendment to care for our most vulnerable population.

"We must restore checks and balances to this state to make sure the people's work gets done. It's a shame that Senate Democrats didn't agree that we should do that," **said Republican Conference Leader John J. Flanagan.**

“The State Constitution intends co-equal branches of government, and my amendment attempted to restore the checks and balances crucial to democracy. It's disappointing that Senate Democrats disagree with this concept. Legislators were not consulted on the issues that matter most, like nursing homes, though we have called for measures to stop the tragedy unfolding. Today, we had the ability to provide real help to the places that care for our most vulnerable and Senate Democrats rejected sending funding to our seniors,” **said Deputy Leader Griffo.**

“Members of the Legislature have been elected to represent the citizens of their district and to ensure they have a voice in how our state operates. It is the branch of government closest to the people. Executive orders and endless emergency declarations should never be used to circumvent the role and responsibility of the legislative branch. Meanwhile, as we continue to fight against the spread of COVID-19, we must provide members of our most vulnerable community and those caring for them with adequate testing supplies, PPE, and other necessary resources. This legislation would have done that,” **said Senator Gallivan.**

“To leave Albany today without taking a single meaningful step to immediately help nursing home residents, or the facilities who support them, is shameful. The state is sitting on over \$1 billion of unspent federal dollars that could be utilized now to provide immediate relief where it is needed most. For my colleagues to ignore the opportunity to direct \$100 million of that money to these hard-hit facilities to fund testing, PPE, and most importantly, additional staff, is just not right. We need to work together to ensure these frontline facilities have immediate access to the resources they need to keep residents safe and healthy during this trying time,” **said Senator Serino.**

“Denying desperately needed PPE for nursing homes is an unconscionable and disgraceful display of putting politics before the lives of our most vulnerable people in New York. The people of this state elected us to serve their needs, not play politics. It's time to put partisan

nonsense aside and restore common sense, justice, and democracy to our state. As we begin to recover, rebuild, and restore our economy and our livelihoods, we must also recover, rebuild, and restore the checks and balances that comprise the very fabric of our democracy. One-man rule must end,” **Senator Fred Akshar said.**

“There’s no question in my mind that there needs to be an independent investigation and legislative hearings into the Administration’s handling of nursing homes during this pandemic, which has led to the deaths of nearly 6,000 nursing home residents. It’s vital to our representative democracy that the legislature fulfill its constitutional role as a co-equal branch of government and as a check and balance to this executive and future governors and that’s why my Senate Republican colleagues and I put forward these amendments on the floor of the Senate, to do that in a reasonable way,” **said Senator Jim Tedisco.**

“As it relates to COVID-19 all the indicators are pointing in the right direction. You don't need to take my word for it, just watch the Governor's daily briefing and he'll be taking credit for it. The emergency powers granted to the Governor were meant to be temporary to deal with the onset of a crisis. That onset has passed into history and so should the Governor's power to unilaterally dictate policy,” **said Senator Rich Funke.**

"As we are far past the peak of the epidemic in New York State, it is time for the Legislature to reclaim its authority as a co-equal branch of government in making vital decisions regarding education funding, health care funding, and reopening our economy,” **said Senator Phil Boyle.**

“Senate Democrats have demonstrated that they have zero desire to be a co-equal voice in the difficult decisions facing our state, and they have abdicated their responsibility as state representatives. Any additional emergency orders or new budget cuts to education, aid to localities, or other necessary resources made by the governor should also fall on the

shoulders of the Senate Majority, as they are the ones who enabled it to happen without objection,” **said Senator Rob Ortt.**

“The initial COVID-19 response demanded an ability to respond quickly, but now it’s time to put an end to government by executive order. A legislative process without checks and balances can go too far and fail to be effective. The most egregious example is the ongoing crisis in New York’s nursing homes where unilateral decisions by the Cuomo administration have proven tragic and where the threats to our most vulnerable population are still not being fully addressed. We had the opportunity to address both of these shortcomings this week, but this Legislature under one-party control failed to act,” **said Senator Tom O’Mara.**

“Andrew Cuomo isn’t king. He’s governor, and subject to the same checks and balances and limits of power as any elected official. By mandating that nursing homes accept COVID-19 positive patients, the Governor’s reckless, irresponsible policy led to the deaths of nearly 6,000 New Yorkers. That’s not conjecture. That’s fact. Governor Cuomo needs to be put in check and his emergency disaster powers — powers that he clearly misused, from his nursing home mandate, to shutting down our economy and arbitrarily picking which businesses were ‘essential’ and ‘nonessential’ — must be rescinded, immediately. We also need a thorough, independent state and federal investigation into his irresponsible policy for nursing homes that caused this avoidable tragedy that claimed the lives of our state’s most vulnerable population,” **Senator Daphne Jordan said.**

“Checks and balances along with transparency are the foundations of state government. It is time to restore these key elements and ensure that the voices of our constituents are heard. We also need to take steps to protect our most vulnerable and provide nursing homes with the support they need. Placing new mandates on nursing homes without corresponding funding is unacceptable,” **said Senator James L. Seward.**

“The Democrat majority’s refusal to restore checks and balances to state government and their willingness to turn their backs on nursing homes in desperate need is a terribly sad commentary on where their priorities are. When the people we represent needed us the most, they chose partisan politics over our senior citizens and separation of powers. Their leadership has to be questioned,” **said Senator Chris Jacobs.**

“While the rapidly worsening crisis we faced in March prompted a number of unprecedented actions, it has become increasingly clear over the last two months that the unchecked emergency powers given to the governor went too far, have lasted too long and lacked the legislative accountability they should have had. Our sound legislative remedy to this problem was rejected by Senate Democrats, as were our proposals to direct critically-needed funds to help nursing homes and provide relief to our struggling small businesses by exempting COVID-19 related spikes in layoffs from being used in unemployment rate calculations. It is time for Senate Democrats to step up and provide the legislative leadership and initiative that these challenges demand. That is the only way New York is going to truly move forward,” **said Senator George Borrello.**

“During this pandemic, our nursing homes have been incredibly vulnerable – we need to provide them the resources and tests they need to protect their residents and staff members. Restoring proper checks and balances within our government is important as we move forward to help our economy recover and ensure families and businesses have the assistance they need to get back on their feet,” **said Senator George Amedore.**

“The Senate Majority missed a key opportunity this week to return to equal branches of government. No Governor, Democrat or Republican, should have the ability to make hundreds of unilateral decisions without input from or votes in the state legislature. While decisions must be quickly made in times of crisis, they should not be made in a way that undermines the foundation of our democracy and the system of checks and balances. This

week, the Majority ignored this and even worse, ignored our nursing homes' pleas for help, putting partisan politics first. It is now more important than ever that we work together and take care of our constituents," **said Senator Pam Helming.**

"The amendments that were brought up and voted down by the Democratic majority would have restored the Legislature's crucial oversight our state needs. Our nursing homes need help and to deny them the PPE and testing they need is wrong," **said Senator Mike Ranzenhofer.**

**Please [click here](#) to watch today's Senate Republican press conference discussing the amendments.**