



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan Disappointed in Senate Refusal to Limit Power of the Governor and Help Nursing Homes & Small Business

JIM RANNEY May 29, 2020

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Senator Patrick M. Gallivan (R-C-I, Elma) led efforts of the Senate Minority Conference this week in proposing amendments to immediately end the Governor's emergency power and to provide our underfunded nursing homes with desperately needed testing and PPE. Members of the Senate Majority unanimously rejected both proposals.

The first amendment, proposed by Senators Gallivan and Joe Griffo, 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 state's 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 would have also mandated that the Governor to transmit weekly reports to the Legislature during an emergency declaration and 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.

"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," said Senator Gallivan. "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."

Senator Sue Serino, the Aging Committee's Ranking member, proposed directing \$100 million in unused Federal CARES Act funding to nursing homes and assisted living facilities to help purchase testing supplies and PPE.

Members of the Senate Majority, who cut funding to nursing homes in March, unanimously rejected the proposal to send money allocated to New York by the federal government to care for our most vulnerable population.

"As we continue to fight against the spread of COVID19, 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," Senator Gallivan said.

Senate Republicans also proposed an amendment to aid struggling small business owners, who now face increased unemployment insurance rates after government forced business shutdowns resulted in layoffs. The Senate Majority rejected the proposal.

Unemployment in New York now stands at 14.5% statewide, according to New York Department of Labor statistics for April. It is as high as 19.2% in the Buffalo-Niagara region.

The proposal, co-sponsored by Senator Gallivan, would have left no impact on an employer's unemployment insurance payment, which is based on an experience rating. When more employees collect benefits, the higher the contribution is from the business. To help keep businesses financially afloat in the future, this amendment would have excluded claims from an employer's unemployment insurance experience rating charges if an employee's unemployment arose from the COVID-19 pandemic.

"Businesses trying to survive through this global pandemic should not be penalized for having to lay off employees," Senator Gallivan said. "This bill provides that an employer's experience rating will not increase as a result of layoffs due to a mandatory government order to close. Not only must we continue to assist workers, we have to consider our small business employers and do everything we can to help them as we look to restart our economy."

The Legislature returned to session this week for the first time since March with Senator Gallivan serving as floor leader.

