



NEW YORK STATE SENATOR

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Senate Leader Ortt & Assembly Leader Barclay: Stop Faking on Revoking the Governor's Emergency Powers

ROBERT G. ORTT February 22, 2021

| ISSUE: **GOVERNOR'S EMERGENCY POWERS**



New York State Senate Republican Leader Rob Ortt, joined by Assembly Leader Will Barclay and **members of both Houses**, today called for their timid colleagues who serve in leadership positions in the State Legislature to finally end Governor Cuomo's emergency powers, which have been in place for nearly a year without any legislative oversight. With recent reports that the Senate Majority intends to act on a bill to form a rubber-stamp commission that gives eight Democrats the power to oversee the Governor's pandemic decision-making,

Senate and Assembly Republicans reminded their colleagues that the only way checks and balances can be returned to Albany is to stop bowing and scraping to an out of control Executive. The Legislature must instead fully repeal Governor Cuomo's emergency powers and fully support an immediate, independent investigation into his administration's misdeeds.

"It has been abundantly clear that the Governor abused this authority for months. My Senate Republican colleagues and I put forth an amendment to rescind his emergency powers fourteen times since last May. Each and every one of those times, the Senate Democrats kowtowed to Cuomo and rejected our pleas. While I'm glad my colleagues in the Majority appear to have finally woken up to our warnings over the past few weeks, they are far too late and their reticence is inexcusable. I am beyond disappointed in their newest proposal to form a sham commission to pretend to get tough with the Governor. This will not return balance to Albany. This is a fake effort to try to convince the people of New York that the Senate Majority is strong. They are, in fact, weak. And they do the bidding of the Governor. To be clear, this proposed commission will serve as nothing more than a rubber stamp for an out-of-control Governor and his most powerful allies in the Legislature. It does nothing to resolve this corrupt Executive branch. I urge my colleagues to reject this sham of a proposal and join us in supporting the bipartisan push to revoke his emergency powers and launch an immediate, independent investigation into the Administration's handling of COVID in New York nursing homes. It is beyond time for New York state government to return to a system of accountability with checks and balances. Our constituents are counting on us," said Senate Republican Leader Ortt.

"It should not have taken a national scandal regarding nursing home fatalities and federal investigation of the Governor's office to reach this point. Rolling back Governor Cuomo's expanded authority is long overdue, but better late than never. The fact is that New York

State is a representative democracy. Unilateral rule is not how our government was ever supposed to run. We have arrived at a point that the trust and credibility of the Governor's office has been severely compromised – possibly beyond the point of repair,” said Assembly Minority Leader William Barclay.

Since last May, the Senate Republican Conference has advanced the amendment to revoke the Governor's emergency powers 14 times -- including 12 times this year alone. The effort was blocked by Senate Democrats every single time. Only in the last few weeks have reports begun to surface that Senate Democrats were considering curtailing the Governor's pandemic decision-making authority. And even still now, Democrats are dragging their feet.

On February 12, 14 Senate Democrats issued a statement urging “the Senate to advance and adopt a repeal as expeditiously as possible.” On February 16, it was **reported** that Senator Alessandra Biaggi was joining nine Assembly Democrats in advancing this effort to fully repeal the Governor's emergency powers.

The reported “compromise” measure by the Senate Majority doesn't appear to satisfy either of those requests made by members of their own Conference. Because the measure does not have widespread bipartisan support, the Senate Republican Conference today announced their support for Senator Biaggi's proposal ([S.4888](#)) to do a straight repeal of the emergency powers.

In addition, Senate Republicans reiterated their ongoing push to launch an independent investigation into the Governor's handling of COVID in New York nursing homes, and move towards supporting impeachment if that investigation shows the Governor committed criminal crimes.

“The Senate Republicans have brought my bill ending the Governor’s emergency powers to the floor 14 times and 14 times it was rejected by the Majority. This could have been done a long time ago. It is unfortunate that it took an AG’s report, a DOJ inquiry and reported investigation, and constant, truth-seeking media attention to get us to this point. I am again calling on my colleagues in the Majority to act now. Let’s finally restore the lawful role of the Legislature and do the work our constituents elected to do,” said Senator Pam Helming.

“For months my office has received countless phone calls, emails and social media messages demanding action to suspend the Governor’s unchecked Executive Authority. While the ability for quick decision making may have been necessary at the onset of COVID-19, there is no doubt that many New Yorkers, including myself, believe that this unilateral decision making must come to an end. From a scathing report from the New York State Attorney General to a federal investigation and constant spin and deflection coming from within the Governor’s administration, how could we in good conscience not intervene? My colleagues and I have been calling for the removal of these Emergency Powers for months, and now we call upon the Majorities in both houses to take the necessary actions to ensure that happens,” said Assemblywoman Mary Beth Walsh (R,C,I – Ballston).

“It’s clear that Governor Cuomo has abused his emergency powers, thwarted legislative oversight, engaged in a cover-up and has extorted at least one member of the Legislature who has dared to speak out. But the Senate Democrat supermajority still remains afraid to take any meaningful action to immediately, fully and effectively restore the Legislature’s decision making authority and responsibility. Now they want to hide behind yet another Commission so they can go on avoiding responsibility and continue protecting the Cuomo administration,” said Senator Tom O’Mara.

“Governor Cuomo has grossly abused his emergency powers, resulting in the deaths of hundreds and hundreds of nursing home residents, the destruction of thousands of small

businesses, and horrific personal and financial damage to millions of New Yorkers. How long will Democratic leaders ignore the nursing home tragedy and other mishandled aspects of our state's pandemic response? For too long during our greatest hour of need, the Legislature has abdicated its responsibilities to the Governor. We were elected to represent our constituents. We were not elected to delegate all our power to the Governor to act as he pleases. We are calling on our Democrat colleagues to join us to rescind the extraordinary emergency powers given to the Governor last year and to put in place a system that restores checks and balances," said Assemblyman Andy Goodell (R,C,I-Jamestown).

Link to livestream [here](#).

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