



NEW YORK STATE SENATOR

Pete Harckham

Harckham, Senate Vote to Revoke Governor's Emergency Executive Powers

PETE HARCKHAM March 5, 2021

| ISSUE: **EXECUTIVE ACTIONS, GOVERNMENT TRANSPARENCY, NEW YORK STATE LEGISLATURE**



Albany, NY – New York State Senator Pete Harckham and members of the Senate approved legislation (S.5357) today to revoke the authority of the Governor of the State of New York to issue new directives during a state of emergency.

Once the bill becomes a law, the Governor will no longer have the authority to issue new directives; and all current directives will be extended for a thirty-day period. After that

period, the Governor will be able to extend or modify directives in limited circumstances.

“Today, we are in a much different place than where we were a year ago, and now it’s time to return to the traditional checks and balances in our state government that provide the level of accountability and transparency which our residents expect—and deserve,” said Harckham.

In March 2020, with Covid-19 spreading fast around the state, members of the New York Legislature voted to grant emergency powers to the Governor. This allowed the Governor to respond directly to issues at a point early on in the pandemic when timely decision-making was deemed critical.

The new legislation approved by the Senate, however, stipulates that only directives with Covid-19 related impacts can be extended by the Governor, dealing with, for instance, the promotion of vaccination, face-masking or other essential public health needs as certified solely by the Commissioner of Health.

Additionally, extended directives can only be modified to change the numeric impact of a directive (such as increasing vaccination sites or increasing the seating capacity of a limited business), or is a modification that increases or decreases restrictions that relate only to face masking, social distancing, testing, vaccination or air filtration related to circulation best practices. Such modifications would be subject to extension every 30 days.

Extended directives will be subject to notice provisions as well: the relevant chairs of committees and the legislative leadership will be given notice within five days of an extension, and be given information justifying why the directive is being extended and how the extension impacts public health during the Covid-19 pandemic.

The committee chairs will have an opportunity to provide comments that the Governor will be required to respond to if received within five days of the directive being issued. Also, a directive that exclusively impacts any individual municipality will also be subject to similar notice and comment provisions for the local Executive and legislative body of that municipality.

No directive can be extended that prohibits a local government from taking any action without Executive approval, though local governments can still be prohibited from taking action in conflict with the state.

A website for the public will be created that tracks all directives being extended, the rationale for extension, and all other relevant information being generated by the new legislation.

“In the meantime, my efforts remain focused on safeguarding residents during this pandemic and reviving our economy,” Harckham added, “and I truly believe that what we have been through together will ready us for future challenges.”

RELATED LEGISLATION

2021-S5357

-
- Introduced
 - - In Committee Assembly
 - In Committee Senate

- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

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Relates to the termination of certain executive powers by the legislature

March 02, 2021

Signed by Governor

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Do you support this bill?