



NEW YORK STATE SENATOR

Thomas F. O'Mara

O'Mara, Senate GOP continue effort to end Cuomo's emergency powers: Says recent move by Senate and Assembly Democrat supermajorities fails to end 'government by Cuomo executive order'

THOMAS F. O'MARA March 23, 2021

| ISSUE: **CORONAVIRUS PANDEMIC; COVID-19: GOVERNOR; EXTRAORDINARY POWERS**



We will not stop in this effort to restore legislative checks and balances to New York State government. The recent so-called repeal action by the legislative Democrats was nothing more than a smokescreen to allow the continuation of government by Cuomo executive order.

**Albany, N.Y., March 23**—State Senator Tom O'Mara (R,C,I-Big Flats) and the Senate Republican Conference moved for the 31st time today to advance a legislative amendment enacting an immediate, straight-out repeal of Governor Andrew Cuomo's unlimited, unilateral powers.

The Republican-sponsored amendment, which O'Mara brought to the Senate floor and debated this afternoon, was defeated for the 31st time along a party-line vote in the Democrat-controlled Senate.

O'Mara said, "We will not stop in this effort to restore legislative checks and balances to New York State government. The recent so-called repeal action by the legislative Democrats was nothing more than a smokescreen to allow the continuation of government by Cuomo executive order. Endless executive orders have failed and continue to fail New Yorkers in fundamental and egregious ways. Governor Cuomo continues to sit in Albany and dictate order after order without any regard for legislative checks and balances, or local input. It has to end."

[Watch Senator O'Mara's remarks on the floor of the Senate earlier today [HERE](#).]

Since the onset of the pandemic over a year ago, when Cuomo was first granted the emergency authorization, the governor has issued dozens of Executive Orders that have allowed him to unilaterally change hundreds of state laws, as well as implement rules and regulations and make spending decisions, without legislative approval.

Many of the governor's actions, O'Mara said, have now gone well beyond the necessary scope of the COVID-19 response.

In early March, the Senate and Assembly Democrat supermajorities approved legislation, which the governor signed into law, that they said would end Cuomo's unilateral authority.

O'Mara and many of his GOP colleagues have blasted that law as ineffectual and point to the fact that three weeks later, all of Cuomo's previous orders remain in effect.

Yesterday, O'Mara and his colleagues introduced a legislative resolution (J541) to specifically rescind Cuomo's emergency executive order implementing an 11 p.m. curfew for bars and restaurants.

O'Mara, who co-sponsors the resolution, said, "It's time for the Legislature to step in and revisit Governor Cuomo's dozens of emergency executive orders to determine which ones are no longer needed, first and foremost, and then get them out of the way of a safe, practical, sensible and badly needed reopening. One of the first that needs rescinding is this arbitrary, capricious, non-scientific curfew that continues to prevent restaurants, bars, taverns and the entire hospitality industry from truly beginning a badly needed recovery from the COVID-19 shutdown. It continues to destroy small business owners, families and the livelihoods they depend on, and the fabric of too many communities."

Last November, Cuomo issued Executive Order 202.74 that imposed a 10 p.m. curfew for bars, restaurants, gyms, fitness centers, and other facilities throughout the state. Earlier this year, he extended the curfew to 11 p.m., and just last week, lifted it altogether for gyms, fitness centers, casinos, movie theaters, bowling alleys, and billiard halls beginning April 5. However, he left the arbitrary and damaging rule in place for bars and restaurants, saying it would be reevaluated next month.

The Senate GOP also recently introduced a resolution to repeal an Executive Order (202.52 of 2020), which has been in effect since it was issued by Cuomo last July, stating that establishments licensed by the State Liquor Authority (SLA) can only serve a customer an alcoholic beverage if the order is accompanied by the purchase of a food item.

O'Mara noted the hospitality industry has been one of the hardest hit of all economic sectors since New York began its COVID-19 shutdowns one year ago this week.