



NEW YORK STATE SENATOR

Robert G. Ortt

NY Senate Republicans to Cuomo & Democrats: Stop Hurting Bars & Restaurants

ROBERT G. ORTT April 8, 2021

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New York State Senate Republican Leader Rob Ortt, along with Senators George Borrello, Patrick M. Gallivan, and Ed Rath today blasted Governor Cuomo and Senate Democrats for extending the unscientific bar and restaurant curfew until May 6. More than a month ago, Senate Democrats passed a bill they said “repealed” the Governor’s emergency powers, but this latest extension of an Executive mandate -- made without an ounce of transparency by the Governor or Legislative Majorities -- makes clear their bill did nothing of the sort.

“We have had enough. Our bars and restaurant owners have been struggling for survival now for more than a year. The pandemic has ravaged our communities, we have a Governor who delivers nothing but false promises, and a Senate Majority so focused on the politics of the day that they forget about the issues affecting everyday New Yorkers. What happens at 11:02 p.m. that wasn’t happening at 10:58 p.m. in a bar or restaurant? It’s been clear for months the Governor isn’t following medical science -- he’s following political science,” said Leader Ortt.

“Despite all the talk of the Governor being ‘weakened’ during this year’s budget negotiations, his destructive iron grip on his emergency authority is as strong as ever, despite Democrats’ claims that they rescinded those powers. His new extension of the absurd rules mandating restaurant and bar patrons order food with alcoholic drinks and upholding the 11 p.m. curfew, is about him proving he can still wield control. Unfortunately, this political ego flexing comes -- once again -- at the expense of our struggling restaurants and hospitality businesses. The Senate Democrats’ failure to truly repeal his emergency powers, as well as their rejection of Senate Republican efforts to roll back each senseless directive, makes them just as responsible for the damage being needlessly inflicted on this already-devastated industry,” said Senator George Borrello.

“Clearly, efforts to “repeal” the governor’s emergency powers have failed. Extending the so-called restaurant curfew and requiring patrons to continue to purchase food with alcohol will do little to control the pandemic. It will, however, continue to hurt bars and restaurants who are struggling to recover from the economic impact made worse by such onerous mandates,” said Senator Patrick M. Gallivan.

“The extension of this arbitrary rule is exactly why my colleagues and I in the Senate Minority advocated for a full repeal of the Governor’s emergency powers. He continues to rule the State with centralized power and despite agreement from the Senate Majority that

something needed to change, it could not be clearer that the Governor's singular power remains. We have an obligation to help our struggling restaurants and small businesses and the State continues to fail. These Executive Orders just create more obstacles for our restaurants, who are already navigating many guidelines," said Senator Ed Rath.

Last November, Governor Cuomo issued Executive Order 202.74, imposing a 10 p.m. curfew for bars, restaurants, gyms, fitness centers, and other facilities throughout New York State. Earlier this year, he extended the curfew to 11 p.m. This week, curfews for gyms, fitness centers, casinos, movie theaters, bowling alleys, and billiard halls were lifted, but bars and restaurants were unscientifically left out of the Governor's new mandate. Now, instead of lifting his 11 p.m. curfew in place for bars and restaurants, he extended it to May 6, 2021.

On March 5, a three-way deal was done by the Governor, Senate and Assembly Democrats who put forward a negotiated bill supposedly intended to "repeal" the Governor's emergency powers. Under the bill passed by the Majorities -- and agreed to by the Governor's office -- directives already made by the Governor remain in effect. The Governor maintains the ability to modify or extend his directives by giving five days notice to the Legislative Majorities -- not Republicans, the press, or the general public.

Since last May, Senate Republicans have brought an amendment to the floor 35 times to end the Governor's emergency powers. Every single Senate Democrat has rejected that effort all 35 times.

When Senate Republicans and Democrats debated the Governor's emergency powers bill, a point of contention were the "arbitrary" Executive Orders put forward by the Governor, especially on small businesses. On the arbitrary curfew of 11 p.m. for bars and restaurant owners, Senator Mike Gianaris stated on the floor, if "there is no real good reason why to set an arbitrary time limit, then that directive will not be able to be issued."

Also during the March 5 debate, Senator Gianaris stated, “if there is something in there you don’t like, put it in a resolution and call for its repeal. We have the ability to do that with a simple majority.” Republicans will again put forward their concurrent resolution (J541) to rescind Governor Cuomo’s arbitrary 11 p.m. curfew for bars and restaurants.

Senate Republicans previously announced the introduction of an additional concurrent resolution (B477) to rescind Governor Cuomo’s mandate that prohibits bars and restaurants from serving alcoholic beverages to patrons who do not order food. This mandate was also extended for another 30 days until May 6 and so far, the resolution has not been taken up by Senate Democrats.

“Far too many times this year, we’ve heard Senate Democrats call opposition to their governance “political theater.” It appears they’ve been projecting all along, and I truly hope they don’t think they can fool bar and restaurant owners today by just providing lip service and doing nothing to actually help end the Governor’s business-killing curfew. Perhaps they should first try explaining why they never notified us or New York in general about the Governor’s plan to extend this arbitrary mandate,” concluded Leader Ortt.

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