



NEW YORK STATE SENATOR

Fred Akshar

## Senator Fred Akshar Cosponsors Legislation to Strengthen Legislative Oversight of Emergency Regulations

FRED AKSHAR December 17, 2021

| ISSUE: **COMBATING COVID-19 AND PROTECTING NEW YORKERS; PUBLIC HEALTH; MASK MANDATES**



Senator Fred Akshar today announced he has cosponsored legislation ([S.7607](#)) to remove the authority for New York State agencies to automatically renew emergency regulations without the involvement of the State Legislature.

Senator Fred Akshar said, “We must learn from the lessons of the past, not repeat them. Unfortunately, it appears Governor Hochul is committed to making the same mistakes in

governmental overreach and unchecked executive powers as did her predecessor, Andrew Cuomo. Not every region needs the same blanket approach to regulations. One size doesn't fit all, and the broad, sweeping mandates put forth by the Governor and state agencies must involve our legislature. Binghamton is not Manhattan, and my colleagues and I are committed to listening to local public health professionals and leaders to ensure the appropriate measures are taken for the communities we represent.”

Currently, State Administrative Procedure Law (SAPA) §202(6)(b) allows an emergency regulation to be in effect for 90 days, and it also allows state agencies to re-adopt and extend the regulation for periods of 60 days without any legislative input or approval. This proposal would change existing law and curtail the power of state agencies by requiring them to obtain legislative approval for any extension of “emergency” regulations. It would also reduce the duration of these extensions from 60 days to 30 days, with legislative approval.

Senator Tom O'Mara, sponsor of the bill, said, “One of the most damaging and egregious shortcomings of New York State's pandemic response up to now has been the complete lack of local decision making and legislative oversight. Former Governor Cuomo ignored it with devastating consequences. Unfortunately, Governor Hochul refuses to recognize that government by executive order doesn't work. We should learn our lessons. One size does not fit all throughout New York State. Moving forward, I believe our responses would be more reasonable, fair, and, especially, effective with greater input from our local public health professionals and leaders on the front lines.”

Republican Conference Leader and cosponsor, Senator Rob Ortt said, “The recent statewide mask mandate declared by Governor Hochul is reminiscent of the heavy handed approach of her predecessor. This directive was clearly announced without input from impacted communities and stakeholders and lacked any legislative oversight. This measure from

Senator O'Mara will provide the necessary checks and balances and a deliberative process before emergency regulations can be renewed.”

The proposal responds to the recent mask mandate issued by Governor Hochul. The mask mandate was forced on countless local governments and small businesses without their input, nor that of their legislative representatives, regarding the ability to implement and enforce this new regulation.

Senator Fred Akshar said, “If my time in the Senate has taught me anything, it’s that Albany rarely knows best and good policy comes from listening to the community and meeting those specific needs, whether it be expanding public health resources, vaccination access, testing sites or more.

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#### RELATED LEGISLATION

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### **2021-S7607**

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- 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 a state agency adopting emergency regulations

December 15, 2021

In Senate Committee [Commerce, Economic Development and Small Business](#)

Sponsored by [Thomas F. O'Mara](#)

Do you support this bill?