

STATE OF NEW YORK

4700

2023-2024 Regular Sessions

IN SENATE

February 13, 2023

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, in relation to enacting the "stop continuing unnecessary orders and mandates at once act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "stop continuing unnecessary orders and mandates at once act".

3 § 2. Legislative intent. The legislature seeks to provide legislative
4 review and authorization of any executive orders issued by the governor
5 which would extend or modify a directive issued in response to the
6 COVID-19 pandemic. To date, nothing has been done to balance the powers
7 of the governor and the legislature. In fact, the executive branch has
8 been given more power. This act serves as a necessary measure to ensure
9 that the power of the executive is checked and that the elected repre-
10 sentatives of the people of New York in the legislature are empowered to
11 effectively govern in times of crisis. Further, it is the intent of this
12 act to allow businesses to operate with proper public health guidelines
13 such as the wearing of face coverings, social distancing and sanitation
14 protocols without further government interference.

15 Many businesses have been deemed non-essential or have faced
16 restrictions or closures as a result of the governor's executive orders
17 and directives contained therein. These executive orders and directives
18 have been overreaching and anti-business. Businesses have had to jump
19 through hoops to remain open and make ends meet. These executive orders
20 and directives have led to establishments putting "Cuomo Chips" on the
21 menu so they can stay in business.

22 The legislature recognizes that New York's businesses are the backbone
23 of our state economy and the legislature must act boldly to address the
24 negative impacts the governor's various executive directives have had on

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD09361-01-3

1 the state's economy by reviewing and approving all extension and modifi-
2 cations of directives moving forward.

3 When reviewing the governor's directives, it is the intent of the
4 legislature to prohibit the governor from extending or modifying arbi-
5 trary directives that serve no legitimate purpose and have caused irre-
6 parable harm to the New York state economy and the lives of all New
7 Yorkers, including but not limited to, directives that:

8 (1) place a curfew or limitation on businesses requiring them to cease
9 all on premises service and consumption of food and beverages or other-
10 wise cease sales and require closure at a set time whether licensed by
11 the state liquor authority or otherwise;

12 (2) require a business licensed by the state liquor authority to serve
13 alcoholic beverages for on premises consumption or for off premises
14 consumption only if the service of such alcoholic beverage is accompa-
15 nied by the purchase of a food item by each individual that is being
16 served an alcoholic beverage;

17 (3) require the closing of a business or house of worship;

18 (4) place restrictions on operations or capacity limitations on busi-
19 nesses, including, but not limited to, restaurants, bars, event and
20 catering halls, billiard/dart halls, bowling alleys, liquor stores,
21 gyms, amusement parks, horse racing and auto racing tracks, and movie
22 theaters, provided however, that enforcement of public health guidelines
23 such as the wearing of face coverings and sanitation shall be permitted;
24 and

25 (5) place limits on gatherings at private residences or houses of
26 worship, provided however, that enforcement of public health guidelines
27 such as the wearing of face coverings and sanitation shall be permitted.

28 § 3. Subdivision 4 of section 29-a of the executive law, as added by
29 chapter 640 of the laws of 1978, is amended to read as follows:

30 4. The legislature may terminate or modify by concurrent resolution
31 executive orders issued under this section at any time.

32 § 4. This act shall take effect immediately and shall apply to any
33 proposed extension or modification of a directive requested by the
34 governor on or after the effective date of this act.