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:

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

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

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

The legislature recognizes that New York's businesses are the backbone of our state economy and the legislature must act boldly to address the 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.

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the state's economy by reviewing and approving all extension and modifications of directives moving forward.

When reviewing the governor's directives, it is the intent of the legislature to prohibit the governor from extending or modifying arbitrary directives that serve no legitimate purpose and have caused irreparable harm to the New York state economy and the lives of all New Yorkers, including but not limited to, directives that:

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

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

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

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

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

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

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

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