



Partial Repeal of Gubernatorial Emergency Powers (S.4888-Biaggi)

Memorandum of Support

Bill S.4888-Biaggi would revoke certain emergency powers granted to the Governor of New York in early 2020 at the outset of the COVID-19 pandemic. This important legislation should be given the highest priority.

Chapter 23 of the Laws of 2020 gave the Governor of New York expanded emergency powers to address disasters. While state law already gave the Governor of New York the authority to suspend statutes, rules, and ordinances during disaster emergencies, Chapter 23 of the Laws of 2020 expanded that authority by allowing the Governor to issue executive orders and directives “necessary to cope with” disaster emergencies.

On March 7, 2020, Gov. Andrew Cuomo declared a state of emergency due to COVID-19. A year later, that state of emergency remains in effect. As the bill memorandum indicates, 65 executive orders have been issued during the COVID-19 pandemic. Multiple executive orders issued during the pandemic have been overturned in court, and an FBI investigation has been commenced in regard to the Cuomo administration’s collection and reporting of data on deaths of nursing home residents due to COVID-19.

Bill S.4888-Biaggi would revoke the Governor’s authority to issue orders and directives during disaster emergencies such as the COVID-19 pandemic. This bill would continue to allow the Governor to suspend statutes, rules, and ordinances during a disaster emergency.

While some New Yorkers may believe that Chapter 23 of the Laws of 2020 was a good idea at the time it was passed, it has now outlived any usefulness it may have had. Given that the Legislature is once again able to convene and pass legislation, it is unnecessary and inappropriate for the Governor of New York to have broad authority to issue executive orders that he believes are “necessary” to “cope with” COVID-19. Bill S.4888-Biaggi would help to restore appropriate checks and balances and to rein in excessive gubernatorial authority.