



WILL BARCLAY
Minority Leader

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

December 15, 2020

Hon. Carl E. Heastie Hon. Andrea Stewart-Cousins
Speaker, New York State Assembly Majority Leader, New York State Senate Legislative Office
Building, Room 932 Legislative Office Building, Room 907 Albany, NY 12248 Albany, NY
12247

Hon. Robert G. Ort
Minority Leader, New York State Senate
Capitol Building, Room 315
Albany, NY 12247

Dear Legislative Leaders:

As we near the end of 2020 with a new legislative session quickly approaching, members of the Assembly Minority Conference are eager for an immediate return to the principles and processes of representative democracy on which our Constitution and our country were built.

Since March, Governor Cuomo has used his expanded emergency powers to implement, and then extend, numerous directives. We believe this grossly exceeds his executive authority.

As you know, Chapter 23 of the Laws of 2020 authorized a \$40 million emergency appropriation for the state to make necessary preparations to deal with the coronavirus outbreak. Also included in that legislation was a measure to add “disease outbreak” to the list of emergencies by which the governor assumed expanded authorities.

While the law granted the governor the ability to issue emergency directives, it did not empower him with the statutory authority to extend directives for an additional 30 days, which is permitted for the suspensions of laws.

Therefore, we are calling on you to review the legal authority granted to the governor and seek input from legislative colleagues on how to proceed in the best interest of all New Yorkers. At the first possible opportunity – hopefully on the first day of the 2021 Legislative Session, if not sooner – we encourage the passage of legislation such as [A.10546](#), which would limit the governor’s expanded powers and dramatically increase local authority during future emergencies.

This has been a year that none of us will forget. You, and all the members of the Legislature, have worked tirelessly to provide help to so many constituents in crisis. Those efforts will certainly continue as we move into the new session and new calendar.

As we look forward to 2021, we urge you to take immediate steps in the coming weeks to restore full representative democracy in New York State. From a philosophical, operational, and now legal perspective, it is clear that the Legislature must resume its rightful place as a co-equal branch of government.

Thank you for your consideration.

Sincerely,

Will Barclay

Will Barclay
Assembly Minority Leader

Edward P. Ra

Edward P. Ra Mark C. Walczyk 19th Assembly
District 116th Assembly District

Angelo J. Morinello

Andrew Goodell Angelo J.
Morinello 150th Assembly District 145th Assembly District

Michael J. Norris

Melissa "Missy" Miller
Michael J. Norris 20th Assembly District 144th Assembly District

Jacob Ashby

Jacob Ashby Kenneth D. Blankenbush 107th Assembly District 117th Assembly
District

Ken Blankenbush

Karl A. Brabenec

Karl Brabenec Keith P. Brown
98th Assembly District 12th Assembly District

Marjorie L. Byrnes

Kevin M. Byrne Marjorie L.
Byrnes 94th Assembly District 133rd Assembly District

Cliff Crouch

Clifford W. Crouch Joseph P. DeStefano 122nd
Assembly District 3rd Assembly District

David J. DiPietro Gary D. Finch 147th Assembly District 126th
Assembly District

Michael J. Fitzpatrick Christopher S. Friend 8th
Assembly District 124th Assembly District

Andrew R. Garbarino Joseph M. Giglio 7th Assembly District
148th Assembly District

Stephen M. Hawley Brian M. Kolb 139th Assembly District 131st
Assembly District

Kieran Michael Lalor Peter A. Lawrence 105th Assembly District
134th Assembly District

Michael LiPetri Nicole Malliotakis 9th Assembly District 64th
Assembly District

Brian D. Manktelow David G. McDonough 130th Assembly District 14th
Assembly District

John Mikulin Brian D. Miller 17th Assembly District 101st Assembly District

Michael A. Montesano Philip A. Palmesano 15th Assembly District
132nd Assembly District

Anthony H. Palumbo Michael W. Reilly, Jr. 2nd Assembly District
62nd Assembly District

John J. Salka Colin J. Schmitt 121st Assembly District 99th
Assembly District

Douglas M. Smith Robert J. Smullen 5th Assembly District 118th
Assembly District

Daniel G. Stec Christopher Tague 114th Assembly District 102nd
Assembly District

Mary Beth Walsh
112th Assembly District

