



WILL BARCLAY
Minority Leader

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

December 15, 2020

Hon. Carl E. Heastie
Speaker, New York State Assembly
Legislative Office Building, Room 932
Albany, NY 12248

Hon. Andrea Stewart-Cousins
Majority Leader, New York State Senate
Legislative Office Building, Room 907
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.

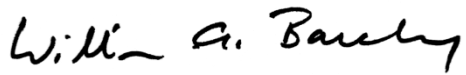
Therefore, we are calling on you to review the legal authority granted to the governor and seek input from legislative colleagues on how to proceed in the best interest of all New Yorkers. At the first possible opportunity – hopefully on the first day of the 2021 Legislative Session, if not sooner – 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
Assembly Minority Leader



Edward P. Ra
19th Assembly District



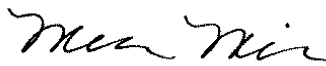
Mark C. Walczyk
116th Assembly District



Andrew Goodell
150th Assembly District



Angelo J. Morinello
145th Assembly District



Melissa "Missy" Miller
20th Assembly District



Michael J. Norris
144th Assembly District



Jacob Ashby
107th Assembly District



Kenneth D. Blankenbush
117th Assembly District



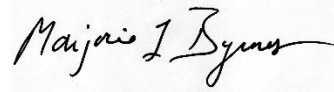
Karl Brabenec
98th Assembly District



Keith P. Brown
12th Assembly District



Kevin M. Byrne
94th Assembly District



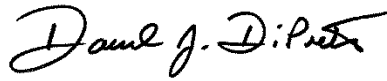
Marjorie L. Byrnes
133rd Assembly District



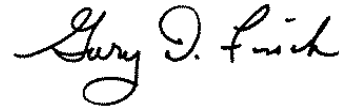
Clifford W. Crouch
122nd Assembly District



Joseph P. DeStefano
3rd Assembly District



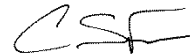
David J. DiPietro
147th Assembly District



Gary D. Finch
126th Assembly District



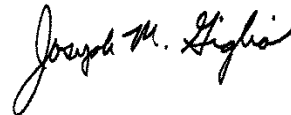
Michael J. Fitzpatrick
8th Assembly District



Christopher S. Friend
124th Assembly District



Andrew R. Garbarino
7th Assembly District



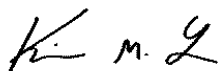
Joseph M. Giglio
148th Assembly District



Stephen M. Hawley
139th Assembly District



Brian M. Kolb
131st Assembly District



Kieran Michael Lalor
105th Assembly District



Peter A. Lawrence
134th Assembly District



Michael LiPetri
9th Assembly District



Nicole Malliotakis
64th Assembly District



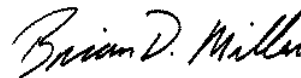
Brian D. Manktelow
130th Assembly District




David G. McDonough
14th Assembly District



John Mikulin
17th Assembly District



Brian D. Miller
101st Assembly District



Michael A. Montesano
15th Assembly District



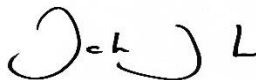
Philip A. Palmesano
132nd Assembly District



Anthony H. Palumbo
2nd Assembly District



Michael W. Reilly, Jr.
62nd Assembly District



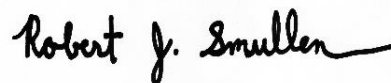
John J. Salka
121st Assembly District



Colin J. Schmitt
99th Assembly District



Douglas M. Smith
5th Assembly District



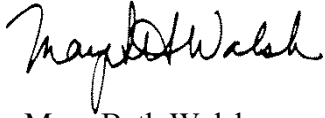
Robert J. Smullen
118th Assembly District



Daniel G. Stec
114th Assembly District



Christopher Tague
102nd Assembly District



Mary Beth Walsh
112th Assembly District