

EXECUTIVE ORDERS

Executive Order No. 113.104: Temporary Suspension of Provisions Relating to Out-of-State Law Enforcement Officers Serving as Railroad Police Officers.

WHEREAS, on September 11, 2001, I issued Executive Order Number 113 declaring a disaster emergency in the State of New York;

WHEREAS, the attacks of September 11, 2001 have demonstrated that there are terrorists at home and abroad that seek to do us harm;

WHEREAS, no State has done more than New York since September 11, 2001 to ensure the safety and security of the people within its borders and its critical infrastructure;

WHEREAS, we must be vigilant in our efforts to protect against terrorist attacks;

WHEREAS, the States of Connecticut and New Jersey have agreed to deploy police officers from their states to provide increased security on commuter trains going to and from New York State;

WHEREAS, to fully utilize the police resources provided by our sister states, we must confer police officer powers on such officers while they are within the geographic jurisdiction of New York State;

WHEREAS, Railroad Law § 88 authorizes the Superintendent of State Police to appoint any person as a railroad police officer only under prescribed circumstances and subject to certain limitations;

WHEREAS, such circumstances and limitations should not be applied to sworn police officers from our sister states serving as railroad police officers and would prevent, hinder and delay action necessary to cope with the aftermath of the September 11, 2001 attacks and the heightened risk of terrorist attacks; and

WHEREAS, Executive Law § 29-a authorizes the suspension, alteration and modification of statutes, local laws, ordinances, orders, rules or regulations, or parts thereof, if compliance with such provisions would prevent, hinder or delay action necessary to cope with a disaster emergency;

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby continue Executive Order Number 113, dated September 11, 2001, except that such Executive Order is amended by adding the following provisions:

FURTHER, pursuant to the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend and modify specific provisions of any statute, local law, ordinance, order, rule or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, I hereby temporarily suspend and modify, for the period from the date of this Executive Order until further notice, the following laws for purposes of appointment of sworn police officer of the State of Connecticut or sworn police officers of any county or municipality in the State of Connecticut, or sworn police officers of the State of New Jersey or sworn police officers of any county or municipality in the State of New Jersey as Railroad Police:

Subdivision 1 of Section 88 of the Railroad Law, is suspended insofar as it requires the Superintendent of the New York State Police to appoint railroad police officers only upon the application of a corporation, express company, or steamboat company, and is modified

to the extent necessary to include all rail facilities owned or operated by the Port Authority of New York and New Jersey or its subsidiaries, the Metropolitan Transit Authority or its subsidiaries, New Jersey Transit or its subsidiaries, and ferries certified to carry passengers to and from New York State;

Subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15 and 16 of Section 88 of the Railroad Law; and

Subdivision 17 of Section 88 of the Railroad Law, insofar as it relates to the filing requirements by the Superintendent of the New York State Police and the mailing of notice of suspension or revocation of appointments made pursuant to Section 88 of the Railroad Law and is modified so as to require the Superintendent of the New York State Police to mail notice of suspension or revocation of any such appointments to the Superintendent of the State Police of either New Jersey or Connecticut, whichever is appropriate.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this sixth day of September in the year two thousand five.

BY THE GOVERNOR

/S/ George E. Pataki

/s/ John C. Cahill

Secretary to the Governor

Executive Order No. 141: Directing that the Adjutant General Order into Active Service the Organized Militia to Assist Civil Agencies and Authorities in the States of Louisiana, Mississippi, Alabama and Texas in Disaster Recovery Efforts.

WHEREAS, beginning on August 27, 2005, Hurricane Katrina caused loss of life, dislocation of population, power outages, destruction of utility infrastructure, and disruption of public transportation and public safety systems in the States of Louisiana, Mississippi, Alabama and Texas;

WHEREAS, this catastrophic event has resulted in grave personal hardship and severe damage to residential, public and commercial properties and continues to pose a threat to the public health and safety;

WHEREAS, pursuant to the Emergency Management Assistance Compact (EMAC) that includes the States of New York and the affected states, the Governor of Mississippi has requested the assistance of New York State in responding to this disaster;

WHEREAS, requests for assistance pursuant to EMAC are anticipated from other states that have been affected by this disaster;

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, do hereby find that a disaster has occurred to which the affected EMAC member state governments are unable to respond adequately.

THEREFORE, pursuant to the authority vested in me by the Constitution and the Laws of New York, including Section 29-g of the

Executive Law and Sections 3, 6 and 22 of the Military Law, and the authority of the Governor as Commander-in-Chief of the Militia to order into the active service of the State in case of disaster or imminent danger thereof, such units of the organized militia which may be necessary to assist civil authority recovery efforts outside the borders of the state;

FURTHER, I do hereby order that the Adjutant General order into the active service of the State, for such period, to such extent, and in such manner as he may deem necessary, any part of the organized militia to assist civil agencies and authorities in recovery efforts necessitated by this disaster in Mississippi and other affected states from which EMAC requests are received and:

A. Major General Thomas P. Maguire, Jr., the Adjutant General, or in his absence, his designee, is hereby appointed commander of all personnel ordered into the active service of the State.

B. Units and members of the organized militia who shall perform State active duty by order of the Adjutant General will immediately assemble at their local armories or airbases when so ordered, and will remain assembled pending further orders as to their disposition by the Adjutant General or his designee.

C. All enlistments, re-enlistments or voluntary extensions of enlistments which expire after September 2, 2005, or during the period for which the members are currently ordered into the active service of the State are hereby extended for the duration of such duty in the active service of the State.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this second day of September in the year two thousand five.

BY THE GOVERNOR

/S/ George E. Pataki

/s/ John C. Cahill

Secretary to the Governor