

EXECUTIVE ORDERS

Executive Order No. 113.121: Continuing the Suspension of Certain Provisions of Law.

WHEREAS, on September 11, 2001, I issued Executive Order No. 113 declaring a disaster emergency in the State of New York;

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;

WHEREAS, beginning on September 11, 2001 and continuing, I issued a series of Executive Orders to help victims and their families, expedite rescue and recovery efforts and assist State agencies and local governments in responding to the disaster caused by the attack on the World Trade Center;

WHEREAS, Executive Law § 29-a provides that no suspension shall be made for a period in excess of thirty days, provided, however, that upon reconsideration of all the relevant facts and circumstances, the suspension may be extended for additional periods not to exceed thirty days each;

WHEREAS, the vast majority of the aforementioned Executive Orders have fully accomplished their purpose and, therefore, are no longer necessary and have been allowed to expire; and

WHEREAS, certain suspensions, alterations and modifications of law that I have ordered continue to be necessary and desirable to assist victims and their families.

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 order that Executive Order No. 113 shall remain in effect and that the suspension, alteration or modification of provisions of Section 631 of the Executive Law, so far as it limits the amount of an award for burial expenses to \$6,000, as ordered by the fifth paragraph of Executive Order 113.5, and of any provision in Article 22 of the Executive Law, so far as it limits the ability of the Crime Victims Board to pay cost of counseling, including any restriction on the Board's ability to pay such cost to persons other than those set forth in Section 626 of the Executive Law, as ordered by the sixth paragraph of Executive Order 113.5, shall continue through January 11, 2007, and such suspensions, alterations or modifications shall be deemed to have been in full force and effect on and after December 11, 2006.

FURTHER, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, I do hereby order that the suspension, alteration or modification of Sections 2401 and 2402 of the Surrogate's Court Procedure Act, as ordered by the fourth paragraph of Executive Order No. 113.24, dated September 24, 2001, shall continue through January 11, 2007, and such suspensions, alterations or modifications shall be deemed to have been in full force and effect on and after December 11, 2006.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this twenty-seventh day of December in the year two thousand six.

BY THE GOVERNOR

/S/ George E. Pataki

/s/ John C. Cahill

Secretary to the Governor

Executive Order No. 1: Establishment of Ethical Conduct Guidelines.

WHEREAS, government employment is a privilege rather than a right, and is based upon the trust and confidence placed in the State's workers by the public; and

WHEREAS, all State employees therefore must act in a manner consistent with that public trust, and must not take any actions that are intended, or appear to be intended, to achieve personal gain or benefit; and

WHEREAS, employees and officers of State agencies and public authorities are subject to certain ethical statutes and rules, including but not limited to the State Code of Ethics (Section 74 of the Public Officers Law), statutory restrictions on business and professional activities (Section 73 of the Public Officers Law), and opinions issued by the State Ethics Commission; and

WHEREAS, there are some areas where New York's existing statutes governing ethical standards can and should be improved; and

WHEREAS, until that occurs through legislative action, it is appropriate to take steps to ensure that as many State employees and officers as possible maintain the highest ethical and professional standards;

NOW, THEREFORE, I, Eliot Spitzer, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

1. Definitions

"Agency" shall mean any state agency, department, office, board, commission or other instrumentality of the State, other than a public authority.

"Public authority" shall mean a public authority or public benefit corporation created by or existing under any State law, at least one of whose members is appointed by the Governor (including any subsidiaries of such public authority or public benefit corporation), other than an interstate or international authority or public benefit corporation.

2. Application

This order shall apply to all State agency officers and employees who serve at the pleasure of the Governor or their appointing authority, and to all members of all public authorities who are appointed by the Governor. Each public authority shall adopt policies or rules applying the restrictions set forth below to all officers and employees who serve at the pleasure of their appointing authority.

3. Prohibition Against the Receipt of Gifts

Subject to the conditions set forth below, all individuals covered by this executive order are prohibited from accepting gifts or gratuities of more than nominal value where the circumstances would permit the inference that: (a) the gift was intended to influence the individual in the performance of official business; or (b) the gift constituted a tip, reward, or sign of appreciation for any official act by the employee. This prohibition shall apply notwithstanding Public Officers Law § 73(5), which provides that gifts up to \$75 may be allowed in certain circumstances.

4. Prohibition Against the Use of State Property

State supplies, equipment, computers, personnel and other resources may not be utilized for non-governmental purposes, including for personal purposes or for outside activities of any kind. This prohibition includes but is not limited to the following:

a. Official stationery may not be used for non-governmental purposes, nor may State government resources be used to mail personal correspondence. The designation "personal" on agency stationery means only that the contents are meant for the personal viewing of the addressee and not that the sender is acting unofficially. All letters and other written materials printed on such official stationery are considered official, and thus the designation "unofficial" has no meaning and may not be used.

b. Under no circumstances may State mail, postage, internal office mail, or inter-city couriers be used for non-governmental purposes.

c. State telephones may not be used for non-governmental long-distance calls, except for toll-free calls, collect calls, and calls billed to a personal telephone number. State telephones may be used for incidental and necessary personal local calls that are of limited number and duration and do not conflict with the proper exercise of the duties of the State employee.

d. State computers may be used for incidental and necessary personal purposes, such as sending personal electronic mail messages, provided that such use is in a limited amount and duration and does not conflict with the proper exercise of the duties of the State employee.

e. State vehicles shall be used for official business or incidental use associated with official business away from an employee's official work station. Individuals who are authorized by their agency or public authority to use a vehicle for personal purposes shall keep records of such use, and the value of such personal use shall be calculated and reported as personal income to such individual for tax purposes.

5. Prohibition Against Nepotism in Hiring and Contracting

a. No individual covered by this order may take part in any hiring or employment decision relating to a family member. If a hiring or employment matter arises relating to a family member, then the employee must advise his or her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the matter.

b. No individual covered by this order may take part in any contracting decision: (i) relating to a family member; or (ii) relating to any entity in which a family member is an officer, director or partner, or in which a family member owns or controls 10% or more of the stock of such entity.

If a contracting matter arises relating to a family member, then the employee must advise his or her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the matter.

c. For the purposes of this paragraph, the term "family member" shall mean any person living in the same household as the employee, and any person related to the employee within the third degree of consanguinity or affinity.

6. Prohibition Against Executive Chamber Employees Lobbying State Agencies and Public Authorities.

The provisions of Public Officers Law § 73(8) prohibiting former

State officers and employees from appearing or participating before their former agency for a period of two years shall, with respect to Executive Chamber employees, extend to appearing or practicing before any Executive Branch agency or public authority.

7. Penalties

Any violation of this order may result in dismissal or other appropriate sanction as determined by the appointing authority of the individual committing such violation.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this first day of January in the year two thousand seven.

BY THE GOVERNOR

/S/ Eliot Spitzer

/s/ Richard S. Baum

Secretary to the Governor

Executive Order No. 2: Eliminating Politics from Government Decisionmaking.

WHEREAS, it is essential that the duties and responsibilities of State government be performed in a non-partisan manner; and

WHEREAS, all State employees and officers should feel free to pursue the interests of the public in an environment that is free from political party influence or interference; and

WHEREAS, all State taxpayers and residents and all those who depend on State government services have the right to expect that government programs will be administered and managed with the highest degree of professionalism and without regard to partisan politics; and

WHEREAS, all State employees and officers should be selected based upon their qualifications, integrity, honesty, competency and dedication to fulfilling the public policies of the State, and should not be excluded from State service based solely upon their political affiliations; and

WHEREAS, it is the obligation of every State employee and officer to pursue a course of conduct that will not engender public concern as to whether the individual is engaged in acts that may violate his or her public trust; and

WHEREAS, although certain State laws and rules place limits on political campaign activities of State employees, there are ways in which these laws can be improved and strengthened; and

WHEREAS, until that occurs through legislative action, it is appropriate to take steps to limit, to the greatest extent possible, the influence of politics on government decisionmaking;

NOW, THEREFORE, I, Eliot Spitzer, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

1. Definitions

"Agency" shall mean any state agency, department, office, board, commission or other instrumentality of the State, other than a public authority.

"Public authority" shall mean a public authority or public benefit corporation created by or existing under any State law, at least one of whose members is appointed by the Governor (including any subsidiaries of such public authority or public benefit corporation), other than an interstate or international authority or public benefit corporation.

2. Application

This order shall apply to all State agency officers and employees who serve at the pleasure of the Governor or their appointing authority, and to all members of all public authorities who are appointed by the Governor. Each public authority shall adopt policies or rules applying the restrictions set forth below to all officers and employees who serve at the pleasure of their appointing authority.

3. Prohibition Against Campaign Contributions to the Governor and Lieutenant Governor

No individual covered by this executive order may make or offer to make any monetary contribution to the campaign of the Governor or the Lieutenant Governor, or to any political campaign committee organized by or for the specific benefit of the Governor or the Lieutenant Governor. In addition, no individual covered by this executive order may request or demand that any other person make or offer to make any monetary contribution to the campaign of the Governor or the Lieutenant Governor, or to any political campaign committee organized by or for the specific benefit of the Governor or the Lieutenant Governor.

4. Prohibition Against Consideration of Politics in Employment and Contracting

No individual covered by this executive order who is involved in recruiting, interviewing or hiring applicants for State employment, or making appointments to State boards or commissions, or making promotional, disciplinary or other employment decisions relating to State employees, may ask any such applicant or employee to reveal: (a) the party affiliation of the applicant; (b) whether the applicant has made campaign contributions to any party, elected official, or candidate for elective office; or (c) whether the candidate voted for any elected official or candidate for elective office. The provisions of this paragraph shall not apply to circumstances where such inquiry is necessary for the proper application of State law or approved State agency or public authority rules, policies or practices (e.g., inquiring about party affiliation where State law limits the number of members of a State board who can be from the same party).

No individual covered by this executive order who is involved in the awarding of State grants or contracts, or making decisions relating to State grants or contracts, may ask any officer or director of such current or prospective contractor or grantee to reveal: (a) the party affiliation of the individual; (b) whether the individual or entity has made campaign contributions to any party, elected official, or candidate for elective office; or (c) whether the individual or entity voted for any elected official or candidate for elective office.

5. Prohibition Against Appearances by Candidates in State Advertising

Under no circumstances may any State agency or public authority permit any elected official or any candidate for elective office to appear in any advertisement in any media, including but not limited to television, radio, Internet or print, if such advertisement is paid for, in whole or in part, directly or indirectly, by any State agency or public authority, or if any State agency or public authority resources are utilized in the creation of such advertisement.

6. Prohibition Against Campaigning for State or Federal Office

No commissioner, executive director or other head of any agency or public authority shall seek nomination, designation or election to any compensated federal or state public office, or shall commence a candidacy for such office, unless such individual first resigns from State service or requests and is granted a leave of absence without pay. Such leave, if granted, must commence before such individual engages in any campaign activities, including but not limited to announcing a candidacy, circulating petitions, soliciting contributions, distributing literature, or taking any other action to actively promote oneself as a candidate for elective office.

7. Penalties

Any violation of this order may result in dismissal or other appropriate sanction as determined by the appointing authority of the individual committing such violation.

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

BY THE GOVERNOR
/S/ Eliot Spitzer
/s/ Richard S. Baum
Secretary to the Governor

Executive Order No. 3: Promotion of Public Access to Government Decisionmaking.

WHEREAS, it is essential to the maintenance of a democratic society that the public business be performed in an open and public manner; and

WHEREAS, the citizens of this State be fully aware of and able to observe the performances of public officials and attend and listen to the deliberations and decisions that go into the making of public policy; and

WHEREAS, the people must be able to remain informed if they are to retain control over those who are their public servants; and

WHEREAS, the Open Meetings Law requires every meeting of a public body shall be open to the general public; and

WHEREAS, the majority of New Yorkers are unable to attend such meetings; and

WHEREAS advances in technology allow for the broadcast of meetings on the Internet through the use of webcasting;

NOW, THEREFORE, I, Eliot Spitzer, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

1. Definitions

"Agency" shall mean any state agency, department, office, board, commission or other instrumentality of the State, other than a public authority.

"Public authority" shall mean a public authority or public benefit corporation created by or existing under any State law, at least one of whose members is appointed by the Governor (including any subsidiaries of such public authority or public benefit corporation), other than an interstate or international authority or public benefit corporation.

2. Requirement to Broadcast Public Meetings

By March 1, 2007, every agency and public authority shall submit to the Secretary to the Governor a plan that: (a) identifies all meetings of such agency or authority that are subject to the Open Meetings Law; and (b) specifies a timetable for ensuring that all such meetings are broadcast on the Internet. Such plan may identify circumstances in which such webcasting is either impractical or inappropriate, and may seek approval for exemption from the requirement for webcasting. Except in those circumstances where an exemption is granted, all agency and authority meetings that are subject to the Open Meetings Law shall be broadcast on the Internet commencing no later than July 1, 2007. Every agency and public authority shall submit a report to the Secretary to the Governor by December 31, 2007, setting forth the number of meetings webcast during the prior year, together with a summary of any comments received from the public regarding the webcasting, and any recommendations for changes or improvements to the program.

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

BY THE GOVERNOR

/S/ Eliot Spitzer

/s/ Richard S. Baum

Secretary to the Governor

Executive Order No. 4: Establishing Judicial Screening Committees to Ensure that Judicial Officer Appointments are of the Highest Quality.

WHEREAS, under the Constitution and Laws of the State of New York the Governor is entrusted with the responsibility of appointing judicial officers to the offices of Judge and Presiding Judge of the Court of Claims; designating Justices of the Supreme Court to the offices of Justice, Temporary Justice, and Presiding Justice of the Appellate Division of the Supreme Court; and appointing judicial officers to fill vacancies in the offices of Justice of the Supreme Court, Judge of the County Court, Judge of the Surrogate's Court, and Judge of the Family Court outside the City of New York; and

WHEREAS, a fair, impartial, independent, highly qualified, and diverse judiciary is essential to ensuring justice for all who come before New York's courts and to fostering public confidence in the integrity of the judicial process; and

WHEREAS, a fair, impartial, independent, highly qualified, and diverse judiciary is cultivated by:

1. encouraging highly qualified candidates from all parts of the State, with diverse backgrounds and experiences, to apply for judicial offices;

2. reviewing candidates for judicial office without regard to political beliefs or party affiliation; and

3. selecting judicial officers who reflect the diverse backgrounds and experiences of the residents of this State, based on their integrity, independence, intellect, judgment, temperament, and experience; and

WHEREAS, the highest quality of judicial appointments can best be assured with the assistance of credible, impartial and non-partisan judicial screening committees;

NOW THEREFORE, I, Eliot Spitzer, 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 order as follows:

A. Purpose and Duties

1. Judicial Screening Committees are hereby established to evaluate the qualifications of candidates for appointment or designation to judicial office throughout the State, and to recommend to the Governor those persons who are highly qualified to hold judicial office.

2. Each Judicial Screening Committee shall:

a. Actively recruit candidates for appointment or designation to the judicial offices within the committee's jurisdiction. In recruiting candidates, the Judicial Screening Committees shall strive to find candidates that reflect the diverse backgrounds and experiences of the citizens of this State;

b. Review and evaluate the qualifications of all candidates for appointment or designation. In reviewing and evaluating the qualifications of candidates, each committee member shall give primary consideration to each candidate's integrity, independence, intellect, judgment, temperament and experience, and shall not give any consideration to the age, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status or political party affiliation of the candidate;

c. Recommend for appointment or designation only those candidates who, as determined by a majority vote of all members of the committee, are highly qualified for the judicial office for which they

are being considered. No committee shall pass on the qualifications of any candidate until after a thorough inquiry has been made by the committee and its staff;

d. Prepare written reports on the qualifications of each candidate it determines to be highly qualified and recommends to the Governor. Committee reports shall be made available to the public upon the announcement by the Governor of an appointment. All other records and deliberations of, and all communications to, any Judicial Screening Committee with respect to a candidate shall be held in confidence and shall not be disclosed to anyone other than the Governor, Counsel to the Governor, or their designees. Notwithstanding the foregoing, information submitted to any Judicial Screening Committee relating to an appointee may be disclosed to the Senate when necessary for confirmation of the appointee, and information submitted to a Judicial Screening Committee may be disclosed to any other person or organization if disclosure is required in connection with disciplinary proceedings or is otherwise required by law.

B. State Judicial Screening Committee

1. A State Judicial Screening Committee is hereby established.

2. The State Judicial Screening Committee shall consist of thirteen members: two individuals selected by the Governor; the Chairperson of each of the Departmental Judicial Screening Committees established by Section C of this Executive Order; one of the other members of each of the Departmental Judicial Screening Committees, who shall be selected by the Governor; two persons selected by the Chief Judge of the Court of Appeals; and one person selected by the Attorney General. The chairperson of the State Judicial Screening Committee shall be appointed by the Governor from among the members of the Committee.

3. The term of office of any member of the State Judicial Screening Committee who is a member of a Departmental Screening Committee shall expire at the same time as the member's term of office on the Departmental Screening Committee expires.

4. The State Judicial Screening Committee shall have jurisdiction to consider the qualifications of candidates for appointment to the offices of Judge and Presiding Judge of the Court of Claims, and to recommend to the Governor all persons whom it finds highly qualified for those judicial offices.

5. When exercising the power to designate the Presiding Judge of the Court of Claims pursuant to section 2(6) of the Court of Claims Act; or the power to appoint a Judge of the Court of Claims pursuant to section 9 of Article VI of the Constitution and section 2(2) and 2(4) of the Court of Claims Act; or the power to fill a vacancy in the office of Judge of the Court of Claims pursuant to section 21(b) of Article VI of the Constitution, the Governor shall appoint or designate only persons who have been recommended by the State Judicial Screening Committee as highly qualified for the judicial office to which the appointment or designation is to be made.

6. The State Judicial Screening Committee shall promulgate appropriate rules and regulations to govern its proceedings and those of the Departmental and County Judicial Screening Committees established by this Order. The rules and regulations shall include standards and procedures for ensuring, to the extent possible, uniformity of criteria for evaluating the qualifications of candidates for appointment or designation to judicial office throughout the State.

C. Departmental Judicial Screening Committees

1. A Departmental Judicial Screening Committee is hereby established in each judicial department of the State.

2. Each Departmental Judicial Screening Committee shall consist of thirteen members: five members shall be selected by the Governor; two members shall be selected by the Chief Judge of the Court of Appeals; two members shall be selected by the Attorney General; one member shall be selected by the Presiding Justice of the Appellate

Division for that department; one member shall be selected jointly by the Speaker of the Assembly and the Minority Leader of the Senate; one member shall be selected jointly by the Majority Leader of the Senate and the Minority Leader of the Assembly; and one member shall be selected by the President of the New York State Bar Association. The Chairperson of each Departmental Screening Committee shall be appointed by the Governor from among the members of the Committee. Each member of the Committee shall be a resident of, have an office in, or work in the judicial department in which he or she is to serve.

3. Each Departmental Judicial Screening Committee shall have jurisdiction to consider the qualifications of candidates for designation to the offices of Justice, Additional Justice, Temporary Justice and Presiding Justice of the Appellate Division of the Supreme Court for such department, and candidates for appointment to the office of Supreme Court Justice within such department, and to recommend to the Governor all persons whom it finds highly qualified for those judicial offices.

4. When exercising the power to designate the Presiding Justice of each Appellate Division pursuant to section 4(c) of Article VI of the Constitution; or the power to designate other Justices of any Appellate Division pursuant to sections 4(c) and 4(d) of Article VI of the Constitution; or the power to designate Additional Justices of any Appellate Division pursuant to section 4(e) of Article VI of the Constitution; or the power to fill a vacancy in the office of Justice of the Supreme Court pursuant to section 21(a) of Article VI of the Constitution, the Governor shall appoint or designate only persons who have been recommended by a Departmental Judicial Screening Committee as highly qualified for the judicial office to which the appointment is to be made.

5. A candidate recommended as highly qualified for the office of Justice or Additional Justice of the Appellate Division of the Supreme Court by a Departmental Screening Committee shall be eligible for appointment or designation by the Governor to such office in any judicial department. Notwithstanding the foregoing, a person serving as a Justice of the Appellate Division of the Supreme Court may be designated by the Governor to serve as an Additional Justice, and a person serving as an Additional Justice of the Appellate Division of the Supreme Court may be designated by the Governor to serve as a Justice, of the same or a different judicial department without the recommendation of a Departmental Screening Committee.

D. County Judicial Screening Committees

1. A County Judicial Screening Committee is hereby established in each county of the State, consisting of the members of the Departmental Judicial Screening Committee for the department in which the county is located plus one additional person who shall be resident of, have an office in, or work in the county in which he or she is to serve, to be selected by the chief executive officer of the county. The Chairman of the Departmental Judicial Screening Committee shall also serve as Chairman of the County Judicial Screening Committee. As used herein, the term "chief executive officer" for the county shall mean the appointed or elected county executive, as the case may be, or if there be no such office, the chairman of the governing body of the county; provided, however, that for counties within the City of New York, the term "chief executive officer" for the county shall mean the Mayor of the City of New York.

2. Each County Judicial Screening Committee shall have jurisdiction to consider the qualifications of candidates for appointment to the offices of Judge of the County Court, Judge of the Surrogate's Court, and Judge of the Family Court outside of the City of New York, for such county, and to recommend to the Governor all persons whom it finds highly qualified for those judicial offices. When exercising the power of appointment to fill a vacancy in the office of Judge of the County Court, Judge of the Surrogate's Court, or of Judge of the

Family Court outside of the City of New York, pursuant to section 21(a) of Article VI of the Constitution, the Governor shall appoint only persons who have been recommended by the appropriate County Judicial Screening Committee as highly qualified for the judicial office to which the appointment is to be made.

E. General Provisions

1. The terms of office of the members of the Judicial Screening Committees established by this Executive Order shall be for a term of three years, except that with respect to the Departmental Screening Committees: one member first selected by the Governor shall serve for a term of one year; two members first selected by the Governor shall serve for a term of two years; one member first selected by the Chief Judge of the Court of Appeals shall serve for a term of two years; and one member first selected by the Attorney General shall serve for a term of two years. The terms of office of the members of the Judicial Screening Committees established by this Executive Order are subject to the provisions of section 5 of the Public Officers Law.

2. Vacancies shall be filled in the same manner as initial appointments, and a person appointed to fill a vacancy shall serve for the remainder of the unexpired term. No member shall be removed during his or her term by the Governor except for cause.

3. No member of a Judicial Screening Committee shall hold any judicial or elected public office for which he shall receive compensation during his period of service, nor shall he hold any office in any political party. No member of a Judicial Screening Committee shall be eligible for appointment to any judicial office within the jurisdiction of the Judicial Screening Committee on which the member serves during the member's period of service or within one year thereafter.

4. Members of Judicial Screening Committees shall receive no compensation for their service, but shall be entitled to reimbursement for any necessary expenses incurred by them in connection with the performance of their duties. Each judicial screening committee shall have a paid staff available to it sufficient to enable the committee to carry out properly its responsibilities including adequate investigations into all matters relevant to the qualifications of candidates for appointment to judicial office. 5. Except as may be necessary or appropriate prior to the time the Judicial Screening Committees established by this Executive Order are fully operational, the power to fill a vacancy in a judicial office will be exercised by the Governor in accordance with the provisions of this Executive Order.

5. Except as may be necessary or appropriate prior to the time the Judicial Screening Committees established by this Executive Order are fully operational, the power to fill a vacancy in a judicial office will be exercised by the Governor in accordance with the provisions of this Executive Order.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this first day of January in the year two thousand seven.

BY THE GOVERNOR

/S/ Eliot Spitzer

/s/ Richard S. Baum

Secretary to the Governor

Executive Order No. 5: Review, Continuation and Expiration of Prior Executive Orders.

WHEREAS, an initial review has been completed of those Executive Orders and amendments thereto that are in effect as of this date; and

WHEREAS, during the course of that review, it has been determined that certain Executive Orders are unnecessary, outdated, or otherwise should not be continued; and

WHEREAS, it also has been determined that other Executive Orders address ongoing issues and should be continued; and

WHEREAS, it is important to identify for the public those Executive Orders that remain in effect and those that are no longer valid;

NOW, THEREFORE, I, Eliot Spitzer, 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 order that upon due consideration, deliberation and review, all Executive Orders issued by previous Governors are hereby repealed, cancelled and revoked in their entirety, with the exception of the Executive Orders set forth below and any amendments thereto, which shall remain in full force and effect until otherwise revoked, superseded or modified; and

IT IS FURTHER ORDERED that a review of prior Executive Orders shall continue to determine whether additional orders should be revoked, superseded or modified.

EXECUTIVE ORDERS BEING CONTINUED A. Executive Orders of Governor Mario M. Cuomo

Executive Order No. 2, issued January 11, 1983 (Establishing the position of State Director of Criminal Justice);

Executive Order No. 5, issued February 16, 1983 (Establishing the Women's Division in the Executive Chamber);

Executive Order No. 6, issued February 18, 1983 (Assigning responsibilities of the State Department of Civil Service, and certain State agencies for insuring equal employment opportunity for minorities, women, disabled persons and Vietnam era veterans in State government and establishing the Governor's Executive Committee for Affirmative Action);

Executive Order No. 7, issued February 18, 1983 (Establishing a Governor's Advisory Committee for Hispanic Affairs);

Executive Order No. 8, issued February 25, 1983 (Directing State agencies to consider labor relations practices when awarding State contracts);

Executive Order No. 11, issued April 26, 1983 (Expanding the membership and powers of the Securities Coordinating Committee);

Executive Order No. 12, issued May 3, 1983 (Directing the State Office for the Aging to review and comment upon policies affecting the elderly);

Executive Order No. 17, issued May 31, 1983 (Establishing State policy on private institutions which discriminate);

Executive Order No. 19, issued May 31, 1983 (New York State policy statement on sexual harassment in the workplace);

Executive Order No. 23, issued September 1, 1983 (Establishing the Office of New York State Ombudsman);

Executive Order No. 26, issued October 7, 1983 (Directing the State Office of Advocate for the Disabled to review and comment upon policies affecting persons with disabilities);

Executive Order No. 29, issued December 8, 1983 (Guidelines for the purchase of steel for use on construction contracts);

Executive Order No. 32, issued December 29, 1983 (Renaming the New York State Office of Disaster Preparedness to be the New York State Emergency Management Office);

Executive Order No. 34, issued January 13, 1984 (Establishing the New York State Human Rights Advisory Council);

Executive Order No. 36, issued March 15, 1984 (Establishing the New York State Motion Picture and Television Advisory Board);

Executive Order No. 46, issued August 28, 1984 (Naming the State Office Building Campus in Albany the Governor W. Averell Harriman State Office Building Campus);

Executive Order No. 48, issued October 3, 1984 (Prescribing procedures to allocate the private activity bond volume ceiling under the Deficit Reduction Act of 1984);

Executive Order No. 50, issued October 15, 1984 (Prescribing supplemental procedures to allocate the private activity bond volume ceiling under the Deficit Reduction Act of 1984)

Executive Order No. 51, issued October 30, 1984 (Designating the Division of the Budget to coordinate the intergovernmental review of Federal programs);

Executive Order No. 55, issued December 17, 1984 (Establishing the State Industrial Cooperation Council);

Executive Order No. 66, issued June 5, 1985 (Establishing a Governor's Advisory Committee for Black Affairs);

Executive Order No. 77, issued October 31, 1985 (Establishing membership of the Martin Luther King, Jr. Commission);

Executive Order No. 80, issued March 21, 1986 (Juvenile justice planning);

Executive Order No. 82, issued May 2, 1986 (Establishing the Governor's Office for Hispanic Affairs);

Executive Order No. 95, issued April 15, 1987 (Designating the Disaster Preparedness Commission as the State Emergency Response Commission);

Executive Order No. 96, issued April 27, 1987 (Promoting a New York State policy against age discrimination in the workplace);

Executive Order No. 97, issued April 27, 1987 (Designating the Governor's Traffic Safety Committee as the State agency to coordinate and approve State highway safety programs);

Executive Order No. 98, issued May 13, 1987 (Establishing a new State Council on Graduate Medical Education);

Executive Order No. 100, issued August 31, 1987 (Naming the Watertown State Office Building the Dulles State Office Building);

Executive Order No. Ill, issued April 11, 1988 (Directing the Attorney General to inquire into matters of bias-related crimes);

Executive Order No. 114, issued December 9, 1988 (Naming the Poughkeepsie State Office Building the Eleanor Roosevelt State Office Building);

Executive Order No. 119, issued January 6, 1989 (Reconstituting the Job Training Partnership Committee);

Executive Order No. 120.1, issued November 6, 1990 (Establishing the Statewide Anti-Drug Abuse Council);

Executive Order No. 125, issued May 22, 1989 (Establishing a Council of Contracting Agencies);

Executive Order No. 130, issued December 4, 1989 (Creating a Crime Proceeds Strike Force to Investigate and Prosecute Certain Economic Activities Constituting Penal, Tax, and Banking Law Violations Relating to Money Laundering);

Executive Order No. 131, issued December 26, 1994 (Establishment of administrative adjudication plans);

Executive Order No. 135, issued January 29, 1990 issued (Prescribing Procedures to Allocate the State Low Income Housing Credit under the Tax Reform Act of 1986, as amended);

Executive Order No. 142, issued January 16, 1991 (Establishing new waste reduction and recycling initiatives for State agencies);

Executive Order No. 147, issued July 31, 1991 (Establishing an Office of Indian Relations);

Executive Order No. 150, issued October 9, 1991 (New land use and development by State agencies within the Adirondack Park);

Executive Order No. 158, issued June 23, 1992 (Naming the New Scotland Avenue Laboratory Building the David Axelrod Institute for Public Health);

Executive Order No. 159, issued November 4, 1992 (Establishing the New York Savings Bond Program Committee);

Executive Order No. 169, issued March 22, 1993 (Directing State Agencies to Act consistently with the Upper Delaware River Management plan);

Executive Order Nos. 170 and 170.1, issued March 24, 1993 and June 23, 1993, respectively (Establishing Uniform Guidelines for Determining the Responsibility of Bidders);

Executive Order No. 179, issued December 30, 1993 (Establishing the New York State Commission on National and Community Service); and

Executive Order No. 188, issued September 28, 1994 (Increasing the Participation of Health Care Consumers in Government Advisory Boards)

B. Executive Orders of Governor George E. Pataki

Executive Order No. 20, issued November 30, 1995 (Establishing the Position of State Director of Regulatory Reform);

Executive Order No. 26.1, issued September 28, 1996 (Incorporating the National Incident Management System as the Management System for Emergency Response);

Executive Order No. 35, issued April 17, 1996 (Ordering that Unmarked Police Vehicles of the State of New York not be Used for the Routine Stopping of Motorists in Connection with Traffic Violations);

Executive Order No. 37, issued May 3, 1996 (Establishing Joint Task Force on Health Care Insurance Fraud);

Executive Order No. 40, issued July 26, 1996 (Ordering State Agencies to Register Emission Reduction Credits);

Executive Order No. 45, issued November 13, 1996 (Establishing the Position of State Director of Consumer Protection);

Executive Order No. 47, issued December 16, 1996 (Destruction of Surplus State Firearms);

Executive Order No. 48, issued February 5, 1997 (Creating an International Business Development Council);

Executive Order No. 49, issued February 12, 1997 (Establishing Procedures to Consider, in its Proprietary Capacity, the utilization of One or More Project Labor Agreements);

Executive Order No. 50, issued October 1, 1996 (Establishing a Governmental Commission to Investigate the Recovery of Holocaust Victims' Assets);

Executive Order No. 51, issued May 20, 1997 (Activities of State Agencies Within the New York City Watershed);

Executive Order No. 52, issued May 13, 1997 (Establishing the Forest Resources Development Council);

Executive Order No. 57, issued October 23, 1997 (Establishing the New York City Watershed Protection and Partnership Council);

Executive Order No. 83, issued July 1, 1998 (Establishing the Jackie Robinson Empire State Freedom Medal and the Jackie Robinson Empire State Freedom Medal Commission);

Executive Order No. 85, issued August 5, 1998 (Establishing the Hudson River Heritage Council);

Executive Order No. 86, issued August 19, 1998 (Establishing the New York City Watershed Inspector General);

Executive Order No. 107, issued February 9, 2001 (Establishing the New York State Heritage Commission);

Executive Order No. 109, issued May 9, 2001 (Establishing a Special Prosecutor to Investigate and Prosecute Criminal Acts Relating to Fraudulent Motor Vehicle Insurance claims);

Executive Order No. Ill, issued June 10, 2001 (Directing State Agencies to be More Energy Efficient and Environmentally Aware: "Green and Clean State Buildings and Vehicles");

Executive Order No. 116, issued January 7, 2002 (Reconstituting the State Drought Management Task Force);

Executive Order No. 117, issued January 28, 2002 (Establishing the Position of Chief Information Officer (CIO) of the State of New York);

Executive Order No. 125, issued March 24, 2003 (Directing State Officials to Ensure that the Appropriate Protections and Benefits are Extended to Members of the Reserve Armed Forces of the United States and the Organized Militia of New York State);

Executive Order No. 128, issued June 16, 2003 (Designation of Lower Manhattan Development Corporation to Carry Out Environmental Impact Review and to Fulfill Requirements For Receipt of Federal Assistance in Connection With the Redevelopment of Lower Manhattan Following the Terrorist Attacks of September 11, 2001);

Executive Order No. 132, issued December 5, 2003 (Designating the State Prevention and Preparedness Council; Establishing the Positions of Senior Advisor to the Governor for Counter-Terrorism and Senior Advisor to the Governor for Disaster Preparedness and Response; and Revoking Certain Executive Orders);

Executive Order No. 133, issued November 22, 2004 (Establishing the Lower Manhattan Construction Command Center);

Executive Order No. 142, issued November 21, 2005 (Directing State Agencies and Authorities to Diversify Transportation Fuel and Heating Oil Supplies Through the Use of Bio-Fuels in State Vehicles and Builders);

Executive Order No. 144, issued February 21, 2006 (Establishing the New York State Abraham Lincoln Bicentennial Commission); and

Executive Order No. 146, issued October 13, 2006 (Declaring a Disaster in Erie, Genesee, Niagara and Orleans Counties and Contiguous Areas).

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this first day of January in the year two thousand seven.

BY THE GOVERNOR

/S/ Eliot Spitzer

/s/ Richard S. Baum

Secretary to the Governor