

EXECUTIVE ORDERS

Executive Order No. 16: Establishing the Statewide Council of Addictions Collaborative to Improve Outcomes for New Yorkers (ACTION).

WHEREAS, addiction is a chronic disease that, left untreated, can have severe consequences, including death, illness, disability, learning disabilities, poor school performance, economic insecurity, and involvement in criminal conduct, including child abuse and neglect and domestic violence; and

WHEREAS, addiction causes immeasurable pain and suffering for millions of individuals whose lives are affected by it, including the children, spouses, parents and siblings of addicted individuals; and

WHEREAS, addiction imposes significant costs upon the public safety, health, welfare and education systems and upon all governmental and non-governmental entities who employ persons with addiction; and

WHEREAS, there is evidence that a significant number of individuals in the state prison system have substance abuse problems, and New York State has enacted sweeping legislation that focuses on treatment for non-violent addicts to end the cycle of addiction; and

WHEREAS, studies conducted by the Office of Alcoholism and Substance Abuse Services show that 2.5 million New Yorkers—totaling 15 percent of the State’s population—are currently living with an alcohol, chemical substance or gambling addiction; and

WHEREAS, innovative and bold strategies are needed to address the impact of addiction on the State’s public safety, health, welfare and education systems, ensure collaboration across such systems as necessary to improve efforts to identify, treat and prevent addiction, and coordinate resources so that they are most effectively and efficiently used for such purposes; and

WHEREAS, the involvement of non-governmental stakeholders, including community-based organizations and business entities, is essential to the development of strategies to address the devastating effects of addiction; and

WHEREAS, the development of an overall State strategy to dramatically increase the effectiveness of addiction prevention, treatment and recovery services would best be accomplished by the establishment of a council of State officials who are charged with the execution of the State’s policies and programs in the areas of public safety, health, welfare and education;

NOW, THEREFORE, I, DAVID A. PATERSON, 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:

1. There is hereby established the Statewide Council of Addictions Collaborative to Improve Outcomes for New Yorkers (the Council). The Council shall consist of the following members: the Commissioner of the Office of Alcoholism and Substance Abuse Services, the Commissioner of the State Education Department, the Commissioner of the Department of Health, the Director of the State Office for the Aging, the Commissioner of the Division of Criminal Justice Services, the Commissioner of the Department of Correctional Services, the Chairman of the Division of Parole, the Director of the Division of Probation and Correction Alternatives, the Superintendent of the Division of State Police, the Executive Director of the Office for the Prevention of Domestic Violence, the Commissioner of the Office of Mental Health, the Commissioner of the Office of Mental Retardation

and Developmental Disabilities, the Commissioner of the Office of Children and Family Services, the Executive Director of the Council on Children and Families, the Commissioner of the Office of Temporary and Disability Assistance, the Commissioner of the Department of Motor Vehicles, the Director of the Division of Veterans’ Affairs, the Chancellor of the State University of New York, a Commissioner of the State Liquor Authority and the Chief Administrative Judge of the Courts. The Governor shall appoint a Chair and a Vice-Chair of the Council, who may but need not be members otherwise listed herein and in any event also shall serve as full voting members.

2. Each member of the Council may designate a staff member to represent him or her and participate in the Council on his or her behalf. A majority of the members of the Council shall constitute a quorum and all recommendations of the Council shall require approval of a majority of the total members of the Council.

3. The Council is charged with:

a. Identifying ways in which statutes, regulations, rules and policies may be revised in order to promote addiction prevention, treatment and recovery efforts;

b. Identifying areas of duplication of effort, inefficient overlap and inconsistent policies and programs among agencies that play a role in the enforcement of laws regarding alcohol, chemical substances and gambling, or in the oversight or provision of services related to addiction prevention, treatment and recovery;

c. Developing a comprehensive strategy to improve the effectiveness and coordination of the efforts of State agencies charged with public safety, health, welfare and education matters to prevent addiction and to deal with its consequences;

d. Planning long-range and short-term addiction prevention, treatment and recovery strategies from a system-wide perspective, taking into account enforcement, education, prevention, treatment, rehabilitation, health and research needs of the State and its communities;

e. Consulting with businesses and local governments and their public safety, health, welfare and education agencies regarding their recommendations for improvements to addiction treatment efforts and initiatives;

f. Consulting with the National Association of Drug Court Professionals and other judges, prosecutors and defense attorneys who participate in the drug courts or other court initiatives to divert criminal defendants to drug treatment programs and assessing whether such programs are sufficiently available and effective;

g. Reviewing and assessing the experience of other states, the federal government and other nations in the development of programs and initiatives to address aspects of addiction;

h. Consulting with non-governmental organizations, including private and non-profit addiction treatment providers, academic institutions, community groups and businesses to obtain recommendations for strategies to address employee wellness issues implicated by addiction and to increase the involvement of such organizations in addiction prevention, treatment and recovery efforts; and

i. Identifying, promoting and publicizing addiction treatment efforts and initiatives found to be of particular merit, and making a concerted effort to encourage the development and implementation of programs that effectively alert young people to the dangers and the consequences of drug addiction and drug crime.

4. The Council shall issue an interim report on or before October

31, 2010 and shall issue a final report on or before October 31, 2011, describing the Council's activities and setting forth its recommendations for the development and implementation of a State strategy for addiction prevention, treatment and recovery in furtherance of the purposes of this Order. The Council shall terminate its work and be relieved of all responsibilities and duties hereunder with the submission of its final report.

5. No member of the Council shall be disqualified from holding any public office or employment, nor shall he or she forfeit any such office or employment by virtue of his or her appointment hereunder. Members of the Council shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions hereunder. All members of the Council shall serve at the pleasure of the Governor and vacancies shall be filled by the Governor.

6. Every agency, department, office, division or public authority of this State shall cooperate with the Council and furnish such information and assistance as the Council determines is reasonably necessary to accomplish its purposes.

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

BY THE GOVERNOR
/S/ David A. Paterson
/s/ Laurence Schwartz
Secretary to the Governor

Executive Order No. 17: Establishing Measures to Evaluate Costs of Mandates on Local Government to Advance Property Tax Relief.

WHEREAS, the State of New York must be vigilant in its efforts to contain government spending and to stabilize property taxes; and

WHEREAS, the citizens of New York bear and inordinately high property tax burden to fund counties, cities, towns, villages, school districts and special districts; and

WHEREAS, such tax burdens are due in part to legislative and regulatory mandates that have been imposed on local governments by the State; and

WHEREAS, it is critical that governments work together to craft solutions to the high cost of government and cooperate in evaluating options to restrain unnecessary spending at all levels of government in order to provide property tax relief to New York residents and businesses; and

WHEREAS, the fiscal impact of any legislative or regulatory proposal that imposes a mandate should be evaluated to the fullest extent possible to consider the cost to local governments, in recognition of the goal of providing property tax relief; and

WHEREAS, in order to limit property taxes, it is equally important periodically to examine existing agency regulations to ensure that they do not impose unjustified costs and requirements on local governments;

NOW, THEREFORE, I, DAVID A. PATERSON, 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:

1. Definitions. For purposes of this order:

a. "Mandate" shall mean: (i) any legal requirement that a local government provide or undertake any program, project or activity, or increase spending for an existing program, project or activity; or (ii) any legal requirement that a local government grant any new property tax exemption, or broaden the eligibility or increase the value of any existing property tax exemption; or (iii) any legal requirement that otherwise would likely have the effect of raising property taxes.

b. "Local government" shall mean a county, city, town, village, school district or special district.

c. "State agency" shall mean: (i) any state agency, department,

office, board, commission or other instrumentality of the state, including the Executive Chamber; and (ii) any 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.

d. "Cost-benefit analysis" shall mean a specific delineation of the costs and benefits to local governments including a quantification of the impact on local government revenue and expenditures, where such impact is quantifiable based on available information.

2. No state agency shall recommend, propose, publish or submit any legislation or regulation containing a mandate without an accounting of the impact of such mandate on local governments, which shall include the fiscal impacts of such mandate, a cost-benefit analysis, documentation of input sought and received from affected local governments, and proposed sources of revenue to fund such mandate. Prior to the formalization of any such proposal, such accounting shall be provided in writing to the Secretary to the Governor, the Counsel to the Governor, the Director of State Operations and the Director of the Division of Budget; provided, however, that if such proposal is necessary to protect against an urgent threat to public health or safety, such proposal may be formalized and advanced without such accounting only upon the approval of the Director of State Operations and the Counsel to the Governor, provided that such accounting shall be completed promptly thereafter.

3. Any proposed bill containing a mandate which is offered by a state agency to the Legislature shall be accompanied by a local fiscal impact statement which states, so far as possible, such mandate's estimated cost to local governments. Such statement shall include but need not be limited to:

a. an estimate of the present and future cost of compliance with such mandate from the Division of Budget or from the state agency having responsibility to administer the mandate proposed in such bill;

b. a description of the methodology used to estimate such present and future cost impacts;

c. a summary of the input sought and obtained from the affected local governments or, where a mandate would be applicable statewide, from organizations representative of local governments, including but not limited to the New York State Association of Counties, the New York State Conference of Mayors and Municipal Officials, the Association of Towns of the State of New York and the New York State School Boards Association;

d. proposed revenue sources to fund such mandate; and

e. a cost-benefit analysis of such mandate.

4. On or before December 1, 2009, each state agency shall review its regulations and report to the Secretary to the Governor, the Counsel to the Governor, the Director of State Operations and the Director of the Division of the Budget on any proposed changes to such regulations which could reduce the impact of existing mandates on local governments and generate property tax relief for New York State property taxpayers.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this twenty-seventh day of April in the year two thousand nine.

BY THE GOVERNOR
/S/ David A. Paterson
/s/ Laurence Schwartz
Secretary to the Governor