

EXECUTIVE ORDERS

Executive Order No. 24: Establishing a Goal to Reduce Greenhouse Gas Emissions Eighty Percent by the Year 2050 and Preparing a Climate Action Plan.

WHEREAS, an emerging scientific consensus recognizes that the increased concentration of carbon dioxide in the atmosphere, along with other heat-trapping greenhouse gasses, resulting from the combustion of fossil fuels and other human sources, warms the planet and changes its climate; and

WHEREAS, many scientists warn that unmitigated climate change is expected to result in significant adverse impacts to our communities, economy and environment; and

WHEREAS, according to the scientific assessments of the United Nations Intergovernmental Panel on Climate Change, and other work, substantial reductions in greenhouse gas emissions by mid-century have the potential to minimize the most severe climate change impacts currently predicted; and

WHEREAS, the reduction of global warming and limitation of climate change effects requires a collaborative, international effort to reduce the emission of greenhouses gases around the globe; and

WHEREAS, New York and other states should work collaboratively with the federal government to develop and implement plans and policies that will achieve reductions in greenhouse gas emissions in the United States; and

WHEREAS, expanding and advancing energy efficiency and renewable energy projects will reduce greenhouse gas emissions and create new jobs; and

WHEREAS, New York State has demonstrated leadership in this effort by undertaking actions such as:

- Executive Order No. 2 (2008): Establishing a State Energy Planning Board and Authorizing the Creation and Implementation of a State Energy Plan;
- Executive Order No. 4 (2008): Establishing a State Green Procurement and Agency Sustainability Program;
- Creation of the Governor's Smart Growth Cabinet;
- Adoption of goals and practices for energy efficiency and green building technology in State buildings, and for the use of biofuels in State vehicles and buildings;
- Creation of the New York State Office of Climate Change in the New York State Department of Environmental Conservation;
- Participation in the Regional Greenhouse Gas Initiative, a ten-state cooperative effort to reduce greenhouse gas emissions from electric power plants by means of a cap and trade system;
- Creation of an Energy Efficiency Portfolio Standard, which is intended to reduce the State's electricity consumption by 15 percent below projected levels by 2015, complementing the State's System Benefit Charge and Renewable Portfolio Standard;
- The formation of a Renewable Energy Task Force and a Sea Level Rise Task Force;
- Collaboration with other northeastern and mid-Atlantic states on the development of a regional low carbon fuel standard;
- Establishment of a "45 x 15" Initiative, which set a goal to meet 45% of New York's electricity needs through improved energy efficiency and clean renewable energy by 2015;

- Adoption of regulations establishing greenhouse gas exhaust emission standards for motor vehicles;
- Enactment of legislation requiring new motor vehicles to bear labels disclosing information to consumers about vehicle greenhouse gas emissions;
- Enactment of legislation establishing "green" residential and State building programs;
- Enactment of legislation expanding the State's "net metering" laws, allowing increased development of renewable energy by electricity customers;
- Enactment of Legislation expanding energy efficiency and clean energy initiatives of the New York Power Authority to public entities; and
- Investment of billions of dollars by the New York State Energy Research and Development Authority, the New York Power Authority and the Long Island Power Authority in existing, expanded and new energy efficiency and renewable energy programs; and

WHEREAS, it is appropriate to build upon the important environmental benefits obtained through these actions and to establish a State-wide goal for the reduction of greenhouse gasses, and to develop a plan that enables New York to participate fully in the national and international efforts to combat climate change.

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. It shall be a goal of the State of New York to reduce current greenhouse gas emissions from all sources within the State eighty percent (80%) below levels emitted in the year nineteen hundred ninety (1990) by the year two-thousand fifty (2050).

2. There is hereby created a Climate Action Council ("Council") consisting of the Commissioners of Agriculture and Markets, Economic Development, Environmental Conservation, Housing and Community Renewal, and Transportation; the Chairs of the Public Service Commission, and Metropolitan Transportation Authority; the Presidents of the New York State Energy Research and Development Authority, Long Island Power Authority, New York Power Authority and Dormitory Authority of the State of New York; the Secretary of State; the Director of the Budget; the Director of State Operations; and the Counsel to the Governor. The Director of State Operations shall serve as the Chair of the Council.

3. The Council shall prepare a draft Climate Action Plan on or before September 30, 2010. The Council shall hold regional public comment hearings on the draft Plan, and shall allow at least 60 days for the submission of public comment. Thereafter, the Council shall prepare a final Climate Action Plan which shall be reviewed and, if warranted, adjusted annually by the Council.

4. In aspiring to meet the greenhouse gas emission reduction goal, the Council, in preparing the Climate Action Plan, shall:

- a. inventory greenhouse gas emissions within the State, including the relative contribution of each type of emission source;
- b. identify and assess short-term and long-term actions to reduce greenhouse gas emissions and adapt to climate change across all economic sectors, including industry, transportation, agriculture, building construction and energy production;
- c. identify and analyze the anticipated reductions, and the economic implications thereof, as a result of each action;

d. identify the anticipated life-cycle implications, consequences, benefits and costs of implementing each action, including implications, consequences, benefits and costs to the State, local governments, business and residents from implementation of each option and action;

e. identify whether such actions support New York's goals for clean energy in the new economy, including specific short-term and long-term economic development opportunities and disadvantages related to greenhouse gas emission reductions and the development and deployment of new and emerging technologies and energy sources;

f. coordinate its activities with the State energy planning process of the State Energy Planning Board;

g. identify existing legal, regulatory and policy constraints to reducing greenhouse gas emissions, assessing the impacts of climate change, and adapting to climate change, and recommend ways to address any such constraints;

h. establish estimated timelines for considering and implementing actions; and

i. undertake such actions, and compile such additional material, as deemed appropriate by the Council in carrying out its responsibilities under this Order.

5. Members of the Council may designate an executive staff member to represent them and participate on the Council on their behalf, subject to the approval of the Chair. A majority of the members of the Council shall constitute a quorum, and all actions and recommendations of the Council shall require approval of a majority of the total members or their representatives.

6. The entities represented on the Council are authorized to provide the primary staff and other resources that are necessary for the Council to comply with this Order. In addition, every other agency, department, office, division and public authority of this State shall cooperate with the Council and furnish such information and assistance as the Council determines is reasonably necessary for it to comply with this Order.

7. The Council may convene advisory panels to assist or advise it in areas requiring special expertise or knowledge.

8. The Climate Action Plan is not intended to be static, but rather a dynamic and continually evolving strategy to assess and achieve the goal of sustained reductions of greenhouse gas emissions.

(L.S.)

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

BY THE GOVERNOR

/S/ David A. Paterson

/s/ Lawrence Schwartz

Secretary to the Governor

Executive Order No. 25: Establishing a Regulatory Review and Reform Program.

WHEREAS, a responsive and balanced regulatory system is vital to promote the State's economy and the welfare of its citizens;

WHEREAS, State rules must be targeted to accomplish this result without imposing unnecessary or excessive burdens on businesses, particularly small businesses, local governments, health care providers and other entities subject to State regulation, and the general public;

WHEREAS, outdated, inadvisable or unwise rules and paperwork requirements imposed on regulated entities place unnecessary costs and burdens and are inconsistent with the need to achieve widespread fiscal reform and government efficiencies;

WHEREAS, outdated, inadvisable or unwise rules and paperwork imposed on local governments place unnecessary costs, burdens and inefficiencies, and are inconsistent with the ongoing effort to reduce local property tax burdens;

WHEREAS, the State Administrative Procedure Act, 1995 Executive Order No. 20 and 2009 Executive Order No. 17 contain salutary

provisions to ensure that agencies consider the costs, benefits and burdens of their proposed and existing rules and paperwork on regulated parties and the general public;

WHEREAS, it is in the interest of all of New York's constituents that the State impose only those rules and paperwork determined to be necessary to protect the public health, safety and general welfare, unless necessary to comply with specified legal requirements;

WHEREAS, agencies therefore must review their existing rules and paperwork requirements on a regular basis to ensure that they are current, reflect available technologies, establish clear standards, avoid undue burdens and area as flexible as feasible;

WHEREAS, the Governor's Office of Regulatory Reform is vested by statute and executive order with duties of oversight of the State's regulatory process, including to require cost benefit and cost effectiveness analyses, risk assessments, peer reviews, and policy dialogues for proposed and existing rules; and

WHEREAS, the review of proposed rule makings by the Governor's Office of Regulatory Reform is part of an established process to apply cost benefit and cost effectiveness analysis, risk assessment, peer review and policy dialogues, as appropriate, to proposed rule makings of State agencies to ensure that they are proportionate, responsive and not overly burdensome:

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 the Laws of the State of New York, do hereby order as follows:

1. A Regulatory Review and Reform Program (the "Review Program") is established to evaluate, reform, or repeal, where necessary, rules and paperwork requirements in order to reduce substantially unnecessary burdens, costs and inefficiencies and to improve the State's economy while maintaining appropriate protections for the public health, safety and welfare and the conduct of business. The Chair of the Review Committee shall be the Secretary to the Governor.

2. Definitions:

a. "Agency" shall have the same meaning as defined in State Administrative Procedure Act Section 102(1).

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

c. "Rule" shall have the same meaning as defined in State Administrative Procedure Act Section 102(2), which includes regulations.

d. "Paperwork" shall mean forms, instructions, applications, reports and procedures.

e. "Review Committee" shall mean the Secretary to the Governor, the Counsel to the Governor, the Director of State Operations, the Director of the Governor's Office of Regulatory Reform, and the Director of the Division of the Budget.

3. The Review Committee, in consultation with the heads of the participating agencies, shall coordinate and oversee the Review Program. Pursuant to this Order, and as requested by the Review Committee, State agencies designated from time to time as participating agencies shall conduct an internal review as well as outreach to interested parties and affected constituencies, to identify unsound or unduly burdensome or costly rules and paperwork that can be eliminated or reformed to accomplish the goals of this Order. In identifying such rules and paperwork, the participating agencies shall take into consideration informed comment about them and shall review them in light of the cost benefit principles stated in the guide on the website of the Governor's Office of Regulatory Reform, and the criteria contained in the State Administrative Procedure Act, 1995 Executive Order No. 20 and section 4 of 2009 Executive Order No. 17. Agencies also shall propose to the Counsel to the Governor any legislation that may be necessary or helpful to achieve reforms.

4. The Review Program shall review first the rules and paperwork requirements of the Departments of Agriculture and Markets, Environmental Conservation, Health, Labor, State, and Taxation and Finance, and the State Liquor Authority. Thereafter, at 180-day intervals or such other time period as determined by the Review Committee, the Review Committee shall designate additional participating agencies,

the rules and paperwork requirements of which shall be examined pursuant to this Order. Such designations shall continue until the review of rules and paperwork of all state agencies has been completed.

5. Each agency designated to participate in the Review Program following such designation, shall issue a public invitation to comment, published in the State Register by mail to interested parties, and through other appropriate venues and media which shall invite comment on whether any of the agency's existing regulations are unnecessary, unbalanced, unwise, duplicative or unduly burdensome. The invitation shall be subject to the Review Committee's review and approval, and shall provide for a 60-day period during which such comments may be submitted.

6. Every designated agency, in conjunction with the Review Committee, shall assess and analyze the responses to the invitation for comment, along with criticism and comment received by the agency, or comment available from public sources, within the past three years about any of the agency's significant current rules and paperwork requirements. Each designated agency thereafter shall select those regulations (not less than two or more than 10 in total) that have generated the most widespread or substantive criticism and opposition.

7. The agency, in conjunction with the Review Committee, shall decide upon such steps as may be helpful for further analysis, including solicitation of additional comment (including comments from supporters of the regulation at issue), statistical analyses, surveys, and comparisons with other states.

8. The agency shall analyze and report on such regulations, in a form designated by the Review Committee, and which shall be submitted by agencies to the Review Committee within 45 days after selection of regulations in accordance with paragraph 6. Such report shall include suggested changes, or reasons why the agency has declined to make changes requested in the public comment, and specific responses to the criticisms received. Upon receipt of the completed agency reports, the Review Committee may take such action as it deems appropriate, including requesting additional agency analysis or public input and directing the agency to alter, reappraise or repeal particular rules or paperwork requirements.

9. The Review Committee periodically shall submit progress reports to the Governor. It may designate a process for further retrospective regulatory review as it deems fit, consistent with the purposes of this order.

10. The Governor's Office of Regulatory Reform shall ensure agency compliance with the requirements of State Administrative Procedure Act § 202-d, Regulatory Agenda, and § 207, Review of Existing Rules, and that participating agencies conform their regulatory review and reform efforts pursuant to this Order with the requirements of such laws. Agencies shall send their Regulatory Agendas and § 207 five-year rule review notices to the Governor's Office of Regulatory Reform prior to submitting them for publication in the *New York State Register*. Agencies shall designate on their websites a contact person from whom businesses can obtain assistance with regulatory compliance.

11. The Review Committee may request and shall receive from any department, division, board, bureau, commission of other agency of the State or from any public corporation such cooperation, assistance, services and data as it determines is reasonably necessary to carry out the purposes of this Order. The Review Committee shall coordinate efforts with all existing commissions, task forces and working groups to the extent the Review Committee deems necessary.

12. The purpose of the review process set forth in this order shall be to reduce the costs, burdens and inefficiencies of rules and paperwork requirements on all regulated entities and the general public, and to eliminate outdated, inadvisable or unwise rules and paperwork.

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

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

Executive Order No. 26: Declaring a Disaster in the Counties of Cattaraugus, Chautauqua and Erie and Contiguous Areas.

WHEREAS, on August 9, 2009, and continuing thereafter, severe thunderstorms caused significant flooding which disrupted vital public transportation, utility service, resulted in evacuations of the affected populations and continues to threaten public health, and public safety systems within the Counties of Cattaraugus, Chautauqua and Erie and contiguous areas.

WHEREAS, this event has caused loss of life, hospital evacuations, power outages, damage to homes, businesses and transportation infrastructure, disruption of local water supply, and may result in personal hardships, additional flooding, hamper the movement of medical personnel, displace families, and will continue to pose a threat to the public health and safety;

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 the Laws of the State of New York, do hereby find that a disaster has occurred for which the affected local governments are unable to respond adequately. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, I hereby declare a State Disaster Emergency effective August 9, 2009 within the territorial boundaries of the Counties of Cattaraugus, Chautauqua and Erie, and contiguous areas, and

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Disaster Preparedness Plan and authorize, effective August 9, 2009, the State Emergency Management Office, the Department of Health, the Department of Transportation, the State Police, the Division of Military and Naval Affairs, the Department of Environmental Conservation, the State Department of Correctional Services, the Public Service Commission, the Office of Fire Prevention and Control, the Department of Labor, the Office of Parks, Recreation and Historic Preservation, the Office of General Services, the State University of New York, the Thruway Authority, the Office of Homeland Security, the American Red Cross and other State agencies as necessary, to take appropriate action to protect state property and to assist affected local governments and individuals in responding to and recovering from this disaster, and to provide such other assistance as necessary to protect the public health and safety.

IN ADDITION, this declaration satisfies the requirements of 49 C.F.R. § 390.23(a)(1)(A), which provides relief from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSR). Such relief from the FMCSR is necessary in order to hasten the movement of utility power restoration crews into New York State.

FURTHER, I have designated John R. Gibb, Director of the State Emergency Management Office (SEMO) as the State Coordinating Officer for this event.

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

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

