

EXECUTIVE ORDERS

Executive Order No. 28.2: Continuing The Declaration of a Disaster in the County of Essex and Contiguous Areas and Suspending Certain Provisions of Law.

WHEREAS, on October 16, 2009, and continuing thereafter, the closure of the Lake Champlain Bridge has disrupted a vital transportation link between the State of New York and the State of Vermont; and

WHEREAS, the bridge closure has caused significant interruption of business, severely impacted commuters, caused financial hardship to those travelers now required to navigate detours in excess of one hundred miles, created an ongoing public health problem for Emergency Medical Services providers and patients seeking medical treatment across state lines, created additional burdens for farmers tending crops and shipping milk and other goods, and overall severely disrupted the lives of the citizens of the County of Essex and contiguous areas; and

WHEREAS, it has been determined that the current bridge may collapse and cannot be repaired and a new bridge will have to be built; and

WHEREAS, declaration of an emergency satisfies the requirements of 23 C.F.R. § 668.103, that provides such relief under 23 C.F.R. § 635.204 as necessary to hasten the restoration of closed road crossings; and

WHEREAS, I, David A. Paterson, Governor of the State of New York, by the virtue of the authority vested in me by the Constitution and Laws of the State of New York, did find that a disaster has occurred for which the affected local governments were 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 declared a State disaster emergency effective October 16, 2009, within the territorial boundaries of the County of Essex, and contiguous areas; and

WHEREAS, pursuant to Section 29 of Article 2-B of the Executive Law, I authorized, effective October 16, 2009, and continuing, the Department of Transportation, and all other State agencies and authorities over which I exercise Executive authority to take all appropriate actions to assist in every way with the repair, restoration or replacement of the Lake Champlain Bridge, and to provide such other assistance as necessary to protect the public health and safety; and

WHEREAS, pursuant to Section 29 of Article 2-B of the Executive Law, I directed the implementation of the State Disaster Preparedness Plan and authorize, effective October 16, 2009, the State Emergency Management Office, Department of Transportation, Division of State Police, Department of Health, Office of Fire Prevention and Control, Department of Labor, Department of Agriculture and Markets, Office of Parks, Recreation and Historic Preservation, Empire State Development, 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 assistance as necessary to protect public health and safety; and

WHEREAS, pursuant to the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend specific provisions of any statute, local law, ordinance, orders, rules or regulations, 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 did temporarily suspend the following laws:

Highway Law §§ 38(1), (2) and (3) and Article 4-C of the Economic Development Law to the extent that the Commissioner of Transportation determines it necessary to authorize the award of emergency contracts, to combine design and construction services in contracts, and to use such services where needed; and

State Finance Law § 112, to the extent consistent with Article V, Section 1 of the State Constitution, and to the extent that the Commissioner of Transportation determined it necessary to add additional work and sites to state contracts; and

State Finance Law § 136-a to the extent that the Commissioner of Transportation determined it necessary to combine design and construction services in one contract, and/or to obtain design or construction inspection services; and

Vehicle & Traffic Law §§ 375, 385 and 401 and Vehicle and Traffic Law Articles 19 and 19-B to the extent that the Commissioner of Transportation determined it necessary to authorize the movement of oversize and/or overweight vehicles to carry divisible and nondivisible loads exceeding the dimensions and weights prescribed by Vehicle and Traffic Law § 385 on any publicly maintained highway; and

Transportation Law § 14-f and Title 17 of the New York Code of Rules and Regulations to the extent that the Commissioner of Transportation determined it necessary to accomplish the safe Transportation of hazardous materials for emergency purposes; and

Transportation Law §§ 221 and 212 and Parts 723 and 820 of Title 17 of the New York Code of Rules and Regulations that pertain to hours of labor of truck and bus operations to the extent that the Commissioner of Transportation determined it necessary to transport property and passengers in a reasonably safe manner to accomplish emergency services; and

Environmental Conservation Law, Article 8 and Part 15 of Title 17 of the New York Code of Rules and Regulations to the extent that the Commissioner of Transportation determines it necessary to accomplish the environmental aspects of the project; and

WHEREAS, pursuant to Section 29 of Article 2-B of the Executive Law, I authorized, effective October 16, 2009, and continuing, the Department of Transportation, and all other State agencies and authorities over which I exercise Executive authority to undertake such projects, mitigation initiatives to provide for alternate means of crossing Lake Champlain; be it by means of special projects, ferries, transit, or otherwise, and to take such other actions as the Commissioner of Transportation deemed appropriate to mitigate the impact of the bridge closure, until such time as bridge transportation at or near the location of the Champlain Bridge may be restored; and

WHEREAS, Executive Law § 29-a provides that no suspension or modification of law 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; and

WHEREAS, after due reconsideration I have determined that the suspensions and modifications of law that I previously ordered and that are listed above continue to be necessary; and

NOW, THEREFORE, I, David A. Paterson, Governor of the State of New York, by the virtue of the authority vested in me by the Constitution and Laws of the State of New York, continue the declaration of the State disaster emergency and all provisions listed above, and also continue the suspension of all of the laws, rules and regulations listed above, and all enabling orders, rules and regulations, for an additional period of thirty days; and

FURTHER, I continue to designate 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 fifteenth day of December in the year two thousand nine.

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

Executive Order No. 32: Establishing the Governor's Task Force on the Implementation of the 2009 Public Authorities Reform Act.

WHEREAS, public authorities fulfill an essential function in New York State ("State") by providing capital improvements that benefit the public;

WHEREAS, the State relies extensively on such authorities in areas such as transportation, education, economic development, health care, energy, housing and the environment;

WHEREAS, it is critical, in light of such heavy reliance, that all authorities meet the highest standards of professionalism, accountability and integrity;

WHEREAS, a number of significant reforms, innovations and improvements since 1995 have increased the accountability and openness of state government and public authorities;

WHEREAS, building on previous efforts to reform public authorities, including those of Ira Millstein and the New York State Commission on Public Authority Reform, I worked this year with the Legislature to enact legislation that further improves the way public authorities conduct business in the State;

WHEREAS, chapter 506 of the laws of 2009 ("2009 Public Authorities Reform Act") contains provisions of law that will significantly improve the oversight of such public authorities and provide more effective regulation of their operations;

WHEREAS, the implementation of such provisions presents issues related to the administration of the new independent Authorities Budget Office ("ABO") and its coordination and relationship with other agencies; the management by the ABO of the ABO's additional powers and responsibilities; the reporting requirements, duties and governance of public authorities; and the development of appropriate policies, procedures and regulations by the ABO to effectuate the foregoing; and

WHEREAS, the implementation of such provisions would be informed and complemented by the expertise of a group of individuals knowledgeable in the field of corporate governance and other relevant disciplines, thereby ensuring that the salutary purposes of the 2009 Public Authorities Reform are fully realized;

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 Governor's Task Force on the Implementation of the 2009 Public Authorities Reform Act ("Task Force"), which shall consist of 7 members appointed by the Governor, including: (i) Ira Millstein, who shall be Chair of the Task Force; (ii) one member who shall be appointed upon the recommendation of the Temporary President of the Senate; (iii) one member who shall be appointed upon the recommendation of the Speaker of the Assembly; and (iv) one member who shall be appointed upon the recommendation of the Comptroller. The members of the Task Force shall have experience and expertise in any one or more of the following areas: corporate governance, public authorities, public administration, management, finance or other relevant disciplines.

2. The Task Force shall be appointed and constituted by January 15, 2010.

3. The Task Force shall identify and examine all matters that it deems relevant to the implementation of the 2009 Public Authorities Reform Act.

4. The Task Force shall provide policy guidance and make recommendations it deems appropriate concerning the implementation of the 2009 Public Authorities Reform Act, and, without limitation:

(a) the parameters and scope of the fiduciary duty applicable to board members of public authorities; and

(b) the maximization of available physical State resources to complement the administration of the ABO and the definition of the ABO's role and independence within the Department of State.

5. No member of the Task Force 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. The members of the Task Force shall receive no compensation for their services, but they shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this Order.

6. A majority of the appointed members on the Task Force shall constitute a quorum. The Task Force may meet in person or by telephone or by using other communication technologies and may hold meetings to discuss issues even in the absence of a quorum; provided, however, that all recommendations of the Task Force shall require approval of a majority of its members. The Task Force shall meet as often as is necessary and under circumstances as are appropriate to fulfilling its purposes under this Order.

7. Staff support for the Task Force shall be provided upon the Task Force's request by the Division of Budget, the Department of State, the Office for Technology, and the Executive Chamber.

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

9. The Task Force shall render its findings and recommendations no later than August 15, 2010 and shall thereafter cease to exist, unless specifically extended by the Governor.

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

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