

EXECUTIVE ORDERS

Executive Order No. 29.4: Further Continuing the Temporary Suspension and Modification of Statutory and Regulatory Provisions Regarding the Administration of Vaccinations Against 2009 H1N1 Influenza and Seasonal Influenza.

WHEREAS, on October 28, 2009, I issued Executive Order No. 29 declaring a disaster emergency in the State of New York;

WHEREAS, section 29-a of the Executive Law authorizes the suspension, alteration and modification of specific provisions 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, Executive Order No. 29 authorized the suspension and modification of specified laws and regulations for the purpose of facilitating the timely distribution and administration of 2009 H1N1 influenza and seasonal influenza vaccinations to the people of the State of New York, and to protect and preserve health and prevent illness and death;

WHEREAS, Executive Order No. 29 expressly stated that it did not authorize any person to be vaccinated without his or her consent or the consent of another person legally authorized to consent on his or her behalf, did not authorize any minor to be vaccinated without the consent of a person in parental relation to the minor, and did not authorize the vaccination of any person under six months of age or for whom the 2009 H1N1 influenza or seasonal influenza is medically contraindicated, and set forth other terms and conditions associated with the suspension and modification of statutory and regulatory provisions;

WHEREAS, section 29-a of the Executive Law 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, pursuant to section 29-a of the Executive Law, by Executive Order No. 29.1 issued on November 25, 2009, I extended the suspension and modification of statutory provisions ordered by Executive Order No. 29 through December 25, 2009;

WHEREAS, pursuant to section 29-a of the Executive Law, by Executive Order No. 29.2 issued on December 24, 2009, I extended through January 23, 2010, the suspension and modification of statutory provisions ordered by Executive Order No. 29 and extended by Executive Order No. 29.1; and

WHEREAS, pursuant to section 29-a of the Executive Law, by Executive Order No. 29.3 issued on January 22, 2010, I extended through February 21, 2010, the suspension and modification of statutory provisions ordered by Executive Order No. 29 and extended by Executive Order Nos. 29.1 and 29.2;

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, and after having reconsidered all the relevant facts and circumstances, do hereby order that the suspension and modification of statutory and regulatory provisions order by Executive Order No. 29, as extended by Executive Order Nos. 29.1, 29.2 and 29.3, shall continue through March 20, 2010, upon the same terms and conditions set forth in such Executive Order No. 29, including those enumerated above.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this eighteenth day of February in the year two thousand ten.

BY THE GOVERNOR

/S/ David A. Paterson

/s/ Lawrence Schwartz

Secretary to the Governor

Executive Order No. 35: Rescinding Section II of Executive Order 142.

WHEREAS, on November 21, 2005, Governor Pataki issued Executive Order 142, which directed that state agencies and authorities shall purchase and utilize bio-diesel in their fleets according to a schedule requiring that by 2010 7% of total diesel fuel consumed would be bio-diesel. That percentage increases to 8% in 2011 and 10% in 2012; and

WHEREAS, Executive Order 142 also directed that gasoline powered state vehicles should use E85 ethanol fuel to the greatest extent possible and that the Governor's Clean Vehicle Council should prepare a plan to meet this goal; and

WHEREAS, since the issuance of Executive Order 142 advancements in vehicle engine technology coupled with significant improvements in diesel fuel quality have reduced the incremental environmental benefits associated with biofuels in the transportation sector; and

WHEREAS, the State of New York is suffering though an economic and budget crisis and must, as a result, identify and eliminate mandates that are not cost effective; 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, do hereby rescind section II of Executive Order 142, thereby eliminating the requirements that state agencies and authorities purchase and utilize bio-diesel in their fleets, that state vehicles use E85 to the greatest extent possible and that the Governor's Clean Vehicle Council prepare a plan to meet this goal; and

FURTHER, my action in rescinding section II does not rescind sections III or IV of Executive Order 142, and these sections remain in force.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this eighteenth day of February in the year two thousand ten.

BY THE GOVERNOR

/S/ David A. Paterson

/s/ Lawrence Schwartz

Secretary to the Governor

