

EXECUTIVE ORDERS

Executive Order No. 45: Declaring an Emergency in Order to Appoint New Jersey and Connecticut Police Officers as Railroad Police Officers to Provide Enhanced Security on Commuter Trains, Buses and Ferries.

WHEREAS, thousands of commuters travel between the states of New York, New Jersey, and Connecticut via Mass Transit Systems which include interstate rail, bus and ferry systems accessible to the public and an enhanced law enforcement presence on these conveyances is prudent to protect public safety; and

WHEREAS, terrorists have used explosive and other devices to attack public and private transportation systems as demonstrated by the bombings in London in 2005 and in Madrid in 2004, and, while there is no known specific threat to the New York metropolitan area, the mass transit systems between New York, New Jersey, and Connecticut are particularly high risk targets; and

WHEREAS, the numerous attacks and attempted attacks in New York, including the foiled plots of Najibullah Zazi and his co-conspirators in September 2009, and Faisal Shahzad and his co-conspirators in May 2010, demonstrate that terrorists continue to seek to do us harm; and

WHEREAS, the holiday season, including New Year's Eve and Day is a time of heightened alert and risk of terrorist attack as demonstrated by the 2009 Christmas Day plot to blow up a Detroit bound airliner, the recent plot to bomb a holiday tree lighting ceremony in Portland, Oregon, and the recent arrests in the United Kingdom of 12 individuals plotting to conduct attacks during the holiday season; and

WHEREAS, the States of Connecticut and New Jersey have agreed to deploy police officers from their states to provide increased security on commuter trains, buses and ferries going to and from New York State; and

WHEREAS, sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, or sworn police officers of any county or municipality in the State of New Jersey, are restricted in their law enforcement authority once the conveyance crosses the jurisdictional boundary between Connecticut and New York or between New Jersey and New York respectively; and

WHEREAS, New York, New Jersey and Connecticut are all members of the Emergency Management Assistance Compact (EMAC), which allows for mutual assistance and resource sharing among sister states; and

WHEREAS, EMAC provides that emergency forces from the sending state, while operating within the jurisdictional boundaries of the receiving state pursuant to the compact, shall have the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights and privileges as are afforded forces of the receiving state in which they are performing emergency services; and

WHEREAS, to utilize the police resources provided by our sister states, we must confer police officer powers, including arrest powers, on such officers while they are within the geographic jurisdiction of New York State; and

WHEREAS, Railroad Law § 88 authorizes the Superintendent of State Police to appoint any person as a railroad police officer only under prescribed circumstances and subject to certain limitations; and

WHEREAS, such circumstances and limitations should not be applied to sworn police officer from our sister states serving as railroad

police officers and would prevent, hinder and delay action necessary in response to a terrorist attack and threat thereof; and

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 and the inclusion of any other terms and conditions;

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 may be imminent for which the affected local governments are unable to respond adequately without assistance. 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 December 31, 2010; and

FURTHER, pursuant to the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend and modify specific provisions of any statute, local law, ordinance, order, rule or regulation, 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 hereby temporarily suspend and modify, for the period from 12:01 AM on December 31, 2010 until 12:01 AM on January 2, 2011, the following laws for purposes of appointment of sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, or sworn police officers of any county or municipality in the State of New Jersey as Railroad Police:

Subdivision 1 of Section 88 of the Railroad Law, is suspended insofar as it requires the Superintendent of the New York State Police to appoint railroad police officers only upon the application of a corporation, express company, or steamboat company, and is modified to the extent necessary to allow the Governor to appoint sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, or sworn police officers of any county or municipality in the State of New Jersey as railroad police officers, and to include all rail and bus facilities and property owned, operated or in the custody or control of the Port Authority of New York and New Jersey or its subsidiaries, the Metropolitan Transit Authority or its subsidiaries, New Jersey Transit or its subsidiaries, and ferries certified to carry passengers to and from New York State;

Subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16 and 17 of Section 88 of the Railroad Law are suspended, as necessary to effectuate this Order; and

FURTHER, this Order shall take effect at 12:01AM on December 31, 2010 and shall remain in effect until 12:01AM on January 2, 2011.

(L.S.)

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

BY THE GOVERNOR

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

Executive Order No. 1: Removing the Barriers to State Government.

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

WHEREAS, it is the responsibility of government to facilitate greater access and participation by its citizens;

WHEREAS, this access must include easier physical access to the government for members of the public;

WHEREAS, the New York State Capitol is the historic seat of government in New York State and a marvel of late 19th century architecture; and

WHEREAS, the barriers to access to the New York State Capitol have prevented this openness;

NOW, THEREFORE, I, Andrew M. Cuomo, 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. Opening the Capital

1. Certain barriers erected around the perimeter of the Capitol shall be removed to allow for convenient loading and unloading of visitors to the Capitol.

2. Access to the second floor of the Capitol, where the Governor's office is located, shall hereafter be provided to members of the public during business hours except when restricted access is determined to be necessary to ensure the safety and security of those working in the Capitol.

B. Assistance

Every New York State department, division, board, bureau, commission, council and agency shall cooperate to effectuate this Executive Order and shall furnish such assistance as may be necessary for the accomplishment of the purposes 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 eleven.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Steven M. Cohen
Secretary to the Governor

Executive Order No. 2: 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;

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

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, Andrew M. Cuomo, 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 the review of prior Executive Orders shall continue over the next sixty days to determine whether additional orders should be revoked, superseded or modified.

EXECUTIVE ORDERS BEING CONTINUED

A. Executive Orders of Governor Nelson A. Rockefeller

Executive Order No. 42, issued October 14, 1970 (Relating to procedures for submission and settlement of certain grievances of State employees).

B. 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 comment upon policies affecting persons with disabilities);

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

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

Executive Order No. 56, issued December 20, 1984 (Establishing the New York State Task Force on Life and the Law);

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. 111, issued August 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. 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 4, 1989 (Establishing administrative adjudication plans);

Executive Order No. 135, issued February 27, 1990 (Prescribing procedures to allocate the State low income housing credit under the Tax Reform Act of 1986, as amended);

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. 169, issued March 22, 1993 (Directing State Agencies to Act Consistently with the Upper Delaware River Management Plan);

Executive Order No. 170.1, issued June 23, 1993 (Establishing Uniform Guidelines for Determining the Responsibility of Bidders); and

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

C. 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, 2006 (Incorporating the National Incident Management System as the Management System for Emergency Response);

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. 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. 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. 86, issued August 19, 1998 (Establishing the New York City Watershed Inspector General);

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. 111, issued June 11, 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); and

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 Buildings).

D. Executive Orders of Governor Eliot L. Spitzer

Executive Order No. 3, issued January 1, 2007 (Promotion of Public Access to Government Decisionmaking);

Executive Order No. 8, issued February 18, 2007 (Establishing the MWBE Executive Leadership Council and the MWBE Corporate Roundtable);

Executive Order No. 9, issued March 5, 2007 (Ordering the Commissioner of the Department of Correctional Services to Bar Certain Offenders from Participating in Temporary Release Programs);

Executive Order No. 13, issued May 18, 2007 (Establishing the New York State Council on Food Policy);

Executive Order No. 16, issued June 12, 2007 (Establishing the Governor's Children's Cabinet);

Executive Order No. 17, issued September 5, 2007 (Establishing the Joint Enforcement Task Force on Employee Misclassification);

Executive Order No. 19, issued October 22, 2007 (Requiring the Adoption of Domestic Violence and the Workplace Policies); and

Executive Order No. 20, issued December 4, 2007 (Establishing the Governor's Smart Growth Cabinet).

E. Executive Orders of Governor David A. Paterson

Executive Order No. 2, issued April 9, 2008 (Establishing a State Energy Planning Board and Authorizing the Creation and Implementation of a State Energy Plan);

Executive Order No. 4, issued April 25, 2008 (Establishing a State Green Procurement and Agency Sustainability Program);

Executive Order No. 5, issued May 27, 2008 (Appointing a Commissioner to Study, Examine, Investigate and Review the Management and Affairs of the Waterfront Commission of New York Harbor);

Executive Order No. 6, issued June 4, 2008 (Ensuring the Cost-Effectiveness of Contracts for Personal Services);

Executive Order No. 7, issued June 18, 2008 (Prohibition Against Personal Use of State Property and Campaign Contributions to the Governor);

Executive Order No. 8, issued June 18, 2008 (Establishing Judicial Screening Committees to Ensure that Judicial Officer Appointments are of the Highest Quality);

Executive Order No. 12, issued November 11, 2008 (Establishing the New York State Council on Returning Veterans and Their Families);

Executive Order No. 16, issued April 15, 2009 (Establishing the Statewide Council of Addictions Collaborative to Improve Outcomes for New Yorkers (ACTION));

Executive Order No. 17, issued April 27, 2009 (Establishing Measures to Evaluate Costs of Mandates on Local Government to Advance Property Tax Relief);

Executive Order No. 18, issued May 5, 2009 (Restricting the Use of Bottled Water at State Facilities and Promoting Executive Agency Sustainability);

Executive Order No. 20, issued May 29, 2009 (Naming the State Justice Building the Robert Abrams Building for Law and Justice);

Executive Order No. 22.1, issued June 22, 2010 (Establishing a Broadband Development and Deployment Council);

Executive Order No. 24, issued August 6, 2009 (Establishing a Goal to Reduce Greenhouse Gas Emissions Eighty Percent by the Year 2050 and Preparing a Climate Action Plan);

Executive Order No. 25, issued August 6, 2009 (Establishing a Regulatory Review and Reform Program);

Executive Order No. 27, issued September 1, 2009 (Authorizing New York City Off-Track Betting Corporation to File Petition Under Provisions of the Laws of the United States for Composition or Adjustment of Municipal Indebtedness);

Executive Order No. 31, issued November 25, 2009 (Setting Forth the Responsibilities, Duties and Powers of the Stimulus Oversight Panel);

Executive Order No. 32, issued December 14, 2009 (Establishing the Governor's Task Force on the Implementation of the 2009 Public Authorities Reform Act);

Executive Order No. 33, issued December 16, 2009 (Prohibiting Discrimination in State Employment on the Basis of Gender Identity);

Executive Order No. 35, issued February 18, 2010 (Rescinding Section II of Executive Order 142);

Executive Order No. 38, issued June 8, 2010 (Continuing the Task Force on the Implementation of the Public Authorities Reform Act);

Executive Order No. 39, issued November 4, 2010 (Establishing State Policies for the Promotion of Sustainable Local Farms and the Protection of Agriculture Lands);

Executive Order No. 41, issued December 13, 2010 (Requiring Further Environmental Review of High-Volume Hydraulic Fracturing in the Marcellus Shale);

Executive Order No. 42, issued December 13, 2010 (Establishing an Executive Chamber Records Management Policy);

Executive Order No. 43, issued December 15, 2010 (Continuing the Lower Manhattan Construction Command Center);

Executive Order No. 44, issued December 17, 2010 (Directing the Reallocation of Deemed Waived Recovery Zone Facility Bond Allocations); and

Executive Order No. 45, issued December 30, 2010 (Declaring an Emergency in Order to Appoint New Jersey and Connecticut Police Officers as Railroad Police Officers to Provide Enhanced Security on Commuter Trains, Buses and Ferries).

(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 eleven.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Steven M. Cohen
Secretary to the Governor

Executive Order No. 3: Ethics Training.

WHEREAS, all New York State taxpayers and residents and all those who depend on New York State government services have the right to expect that government programs will be administered and managed with the highest degree of professionalism;

WHEREAS, it is the obligation of every New York State officer and employee 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;

WHEREAS, officers and employees of the Executive Chamber, commissioners of New York State agencies, counsel to New York State agencies and ethics officers of New York State agencies are subject to certain ethical statutes and rules, including but not limited to the New York State Code of Ethics, statutory restrictions on business and professional activities and opinions issued by the New York State Commission on Public Integrity;

WHEREAS, officers and employees of the Executive Chamber, commissioners of New York State agencies, counsel to New York State agencies and ethics officers of New York State agencies play an important role in ensuring ethics compliance by all State officers and employees;

WHEREAS, New York State has a responsibility to ensure that its officers and employees are versed in the ethical statutes and rules that apply to them; and

WHEREAS, it is appropriate to take steps to ensure that employees and officers maintain the highest ethical and professional standards;

NOW, THEREFORE, I, Andrew M. Cuomo, 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:

A. Definitions

1. "Agency" shall mean any state agency, department, office, board, bureau, division, committee, council or office.

2. "Covered Employees" shall mean all officers and employees working in the Executive Chamber in the office of the Governor, commissioners of New York State agencies, counsel to New York State agencies and ethics officers of New York State agencies.

3. "Officers and employees" shall have the meaning given to "state officer or employee" in Section 73 of the Public Officers Law.

B. Ethics Training

1. Every Covered Employee shall participate in an ethics training within sixty days of when such training is prepared and available. The ethics training program will be prepared and available no later than January 31, 2011.

2. New Covered Employees shall participate in such ethics training within sixty days of the later of commencing their employment or when such training is prepared and available.

3. Such training shall include a discussion of the provisions of Sections 73, 73-A, 74 and 78 of the Public Officers Law and Sections 75-b and 107 of the Civil Service Law.

4. Every Covered Employee shall participate in an ethics training every two years following his or her initial training session pursuant to this order.

5. Covered Employees shall submit a signed statement certifying their participation in each training session pursuant to this order, which statements shall be placed in their personnel files.

6. The Executive Chamber shall coordinate with the ethics officers of state agencies, and with the Commission on Public Integrity, to establish regular training sessions sufficient to allow affected individuals to comply with this order.

C. Penalties

Any violation of this order may result in dismissal or other appropriate sanction as determined by the appointing officer 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 second day of January in the year two thousand eleven.

BY THE GOVERNOR
/S/ Andrew M. Cuomo
/s/ Steven M. Cohen
Secretary to the Governor