

# EXECUTIVE ORDERS

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## **Executive Order No. 21: Finding of Emergency and Temporary Suspension of Provisions Relating to Payment of Fees for Duplicate State-Issued Documents.**

WHEREAS, on August 25, 2011, I issued Executive Order Number 17 declaring a disaster emergency in the Counties of Bronx, Kings, New York, Queens, Richmond, Nassau, Suffolk and contiguous areas in the State of New York; and

WHEREAS, beginning on August 27, 2011, Hurricane Irene brought torrential rainfall causing record flooding and storm surge throughout the State of New York, and severely devastated areas in the Counties of Albany, Bronx, Clinton, Columbia, Delaware, Dutchess, Essex, Greene, Kings, Montgomery, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington and Westchester, for which I asked the President of the United States to declare an emergency and a major disaster for the State of New York; and

WHEREAS, as a result of additional severe storms occurring on September 7, 2011 and thereafter, severe flash flooding and major flood conditions developed in the Counties of Albany, Broome, Chenango, Chemung, Delaware, Greene, Herkimer, Montgomery, Oneida, Otsego, Rensselaer, Schenectady, Schoharie, Sullivan and Tioga, for which I have asked the President of the United States to declare an emergency and a major disaster for the State of New York;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, do hereby find that the scope of the disaster resulting from these events has resulted in a number of local governments being 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 do hereby amend Executive Order Number 17 to declare a State Disaster Emergency, effective September 12, 2011, within the territorial boundaries of the following additional counties: Albany, Broome, Chenango, Chemung, Clinton, Columbia, Delaware, Dutchess, Essex, Greene, Herkimer, Montgomery, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Sullivan, Tioga, Ulster, Warren, Washington and Westchester; and

FURTHER, by virtue of 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, and for the purpose of allowing victims of the disaster to replace certain documentation lost in the disaster, as determined by the appropriate Commissioners of the Departments of Motor Vehicles, Health, Education and Taxation and Finance, the Secretary of State or the State Liquor Authority, I temporarily suspend, for the period from the date of this Executive Order until further notice, the following laws:

### **A. Suspension of Laws relating to the Department of Motor Vehicles**

Subdivision 3 of Section 401 of the Vehicle and Traffic Law, to the extent that it requires payment of a fee for a duplicate or replacement registration certificate or number plate for a motor vehicle or trailer;

Subdivision 3 of Section 410 of the Vehicle and Traffic Law, to the extent that it requires payment of a fee for a duplicate or replacement registration certificate or number plate for a motorcycle;

Subdivision 2 of Section 491 of the Vehicle and Traffic Law, to the extent that it requires payment of fees for a duplicate or replacement non-driver identification card;

Subdivision 2 of Section 503 of the Vehicle and Traffic Law, to the extent that it requires payment of fees for a duplicate or replacement driver's license;

Subdivision (a) of Section 2125 of the Vehicle and Traffic Law, to the extent that it requires payment of fees for a duplicate or replacement certificate of title;

Subdivision 4 of Section 2222 of the Vehicle and Traffic Law, to the extent that it requires payment of a fee for a duplicate or replacement registration certificate or number plate for a snowmobile;

Subdivision 9 of Section 2251 of the Vehicle and Traffic Law, to the extent that it requires payment of a fee for a duplicate or replacement registration certificate or number plate for a vessel;

Subdivision 3 of Section 2261 of the Vehicle and Traffic Law, to the extent that it requires payment of a fee for a duplicate or replacement registration certificate or number plate for a limited use vehicle;

Subdivision 4 of Section 2282 of the Vehicle and Traffic Law, to the extent that it requires payment of a fee for a duplicate or replacement registration certificate or number plate for an all-terrain vehicle;

### **B. Suspension of Laws Relating to the Department of State**

Subdivisions (3) and (4) of section 96 and Section 96-a of the Executive Law, and Paragraphs (6) and (7) of Subdivision (a), Paragraphs (4) and (5) of Subdivision (b), and Subdivision (d) of Section 143-5.1 of Title 19 of the New York Code of Rules and Regulations, to the extent that these provisions require the Department of State to charge a fee for replacement of documents provided by the Division of Corporations or related to the Uniform Commercial Code;

Subdivision (4) of Section 409 of the General Business Law, to the extent that it requires payment of a fee for a duplicate or replacement appearance enhancement license certificate;

Subdivision (5) of Section 440 of the General Business Law, to the extent that it requires payment of a fee for a duplicate or replacement license to engage in the practice of barbering;

Subdivision (6) of Section 441-a of the Real Property Law, to the extent that it requires payment of a fee for a duplicate or replacement pocket card for real estate salespersons and brokers;

Subdivision (3) of Section 160-r of the Executive Law, to the extent that it requires payment of a fee for a duplicate or replacement license, certification or pocket card for real estate appraisers;

Section 76 of the General Business Law, to the extent that it requires payment of a fee for a duplicate or replacement certificate of license or identification card for bail enforcement agents, private investigators and watch, guard and patrol persons;

Subdivision (12) of Section 96 of the Executive Law, to the extent that it requires payment of a fee for a duplicate or replacement license for a security guard or armored car carrier;

Paragraph (c) of Subdivision (6) of Section 899-bbb of the General Business Law, to the extent that it requires payment of a fee for a duplicate or replacement certificate of registration as a document destruction contractor;

Subdivision (6) of Section 797 of the General Business Law, to the extent that it requires payment of a fee for a duplicate or replacement certificate of registration as a hearing aid dispenser;

Subdivision (13) of Section 131 of the Executive Law, to the extent that it requires payment of a fee for a duplicate or replacement notary public identification card;

Subdivision (2) of Section 750-g of the General Business Law, to the extent that it requires payment of a fee for a duplicate or replacement license to engage in the business of operating a pet cemetery or pet crematorium;

Subdivision (3) of Section 69-r of the General Business Law, to the extent that it requires payment of a fee for a duplicate or replacement alarm installers license;

C. Suspension of Laws Relating to the Department of Health

Subdivisions (2) and (9) of Section 4174 of the Public Health Law, to the extent that it requires payment of a fee for replacement certificates or certified transcripts of birth, and certificates of live birth, death or fetal death;

Subdivision (6) of Section 4139 and Subdivision (9) of Section 4174 of the Public Health Law, to the extent that they require payment of a fee for a duplicate or replacement certification, certified copy or certified transcript of a certificate of dissolution of marriage;

Section 20-a of the Domestic Relations Law and Subdivision (9) of Section 4174 of the Public Health Law, to the extent that they require payment of a fee for a duplicate or replacement certified transcript of a marriage;

D. Suspension of Laws Relating to the Department of Taxation and Finance

Paragraph (a) of subdivision 1 of Section 502 of the Tax Law, to the extent that it requires payment of a fee for replacement of a highway use tax certificate of registration;

Subdivision (a) of Section 522 of the Tax Law, to the extent that it requires payment of fees for replacement of a fuel use license or decal; and

E. Suspension of Laws Relating to the State Liquor Authority

Subdivision (6) of Section 114 of the Alcoholic Beverages Control Law, to the extent that it requires payment of a fee for replacement of any business license;

F. Suspension of Law Relating to the State Education Department

Subdivision (4) of Section 7210 of the Education Law, to the extent that it requires payment of a fee for replacement of certificate of authorization to provide professional engineering or land surveying services;

Sections 212 and 6507 of the Education Law and Subdivision (f) of Section 59.9 of Subchapter B of Chapter 2 of Title 8 of the New York Code of Rules and Regulations, to the extent that they require payment of a fee for obtaining duplicate or replacement registration certificates and licensing documents.

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

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Lawrence S. Schwartz

Secretary to the Governor

**Executive Order No. 22: Temporary Suspension of Provisions Relating to Agricultural and Natural Resource Infrastructure Recovery and the Immediate Capital Needs of Local Farms Affected by the State Disaster Emergency.**

WHEREAS, on August 25, 2011, I issued Executive Order Number 17 declaring a State disaster emergency in the Counties of Bronx, Kings, New York, Queens, Richmond, Nassau, Suffolk and contiguous areas in the State of New York; and

WHEREAS, on August 27, 2011 and continuing thereafter, Hurricane Irene and Tropical Storm Lee caused power outages and extensive flooding; damage to homes, businesses, farms and transpor-

tation infrastructure; destruction of crops and loss of livestock; and resulted in personal hardships, displacing families, including farm families, in many areas of the State; and

WHEREAS, on September 15, 2011, I issued Executive Order Number 21, amending Executive Order Number 17 to declare a State disaster emergency in additional counties affected by these weather events, including Albany, Broome, Chenango, Chemung, Clinton, Columbia, Delaware, Dutchess, Essex, Greene, Herkimer, Montgomery, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Sullivan, Tioga, Ulster, Warren, Washington and Westchester; and

WHEREAS, there is a need to address the devastation to farms caused by these disasters, assist farmers in rehabilitating farmland, prevent further degradation of natural resources through the implementation or repair of Emergency Conservation Best Management Practices, and address the immediate capital needs of farms, including the rehabilitation of farm buildings and the replacement of permanent fixtures and equipment; and

WHEREAS, on September 3, 2011, I announced the creation of an Agricultural and Community Recovery Fund ("ACRF") to help rebuild the agricultural industry in farming areas impacted by these disasters. The ACRF includes moneys from: (i) the Upstate Agricultural Economic Development Capital Fund for Soil and Water Conservation Districts to assist farmers in rehabilitating farmland damaged by natural disasters and to prevent further degradation of natural resources through the implementation or repair of Emergency Conservation Best Management Practices, (ii) the Community Development Block Grant program for on-farm operations and capital expenses, and (iv) such other funds that are made available at any time for purposes of this Order; and

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend and otherwise alter or modify 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, hereby temporarily suspend or modify, for the period from the date of this Executive Order until further notice, the following laws:

1. Subdivisions (1), (2) and (4) of Section 16-s of Chapter 174 of the Laws of 1968, to the extent that the Commissioner of Agriculture and Markets is authorized to provide financial assistance to soil and water conservation districts, as defined by subdivision (1) of Section 3 of the Soil and Water Conservation Districts Law, for eligible activities as set forth in subdivision (2) of Section 16-s, pursuant to criteria developed by the Commissioner, in the event that the Commissioner determines it necessary to authorize the award of emergency contracts to Soil and Water Conservation Districts;

2. The appropriation language amended and reappropriated by Section 1 of Chapter 54 of the Laws of 2011 for the Upstate Agricultural Economic Development Fund as part of the New York State Urban Development Corporation ("UDC") Capital Projects Reappropriations for 2011-2012, to the extent that \$5 million of the appropriation from the Upstate Agricultural Economic Development Fund to be suballocated to the Department of Agriculture and Markets and administered by the Commissioner of Agriculture and Markets for the ACRF shall not be subject to a plan submitted by the Chair of the Upstate Empire State Development Corporation and approved by the Director of the Budget;

3. Sections 142 and 143 of the Economic Development Law, to the extent that the Commissioner of Agriculture and Markets determines it necessary to waive any requirement to publish, in the State procurement opportunities newsletter or elsewhere, notice of procurement contract opportunities in relation to the provision of funds for Soil and Water Conservation Districts under the ACRF;

4. Subdivision (4-a) of Section 146 of the Executive Law, to the extent that (i) the Commissioner of Agriculture and Markets determines it necessary to waive any requirement to publish, in the State Register or elsewhere, notice of the availability of funds for Soil and Water Conservation Districts under the ACRF, and (ii) the chairperson

of the Housing Trust Fund Corporation determines it necessary to waive any requirement to publish, in the State Register or elsewhere, notice of the availability of funds from the Community Block Grant Development program designated under the ACRF;

5. Section 112 of the State Finance Law, to the extent consistent with Article V, Section 1 of the State Constitution, and to the extent that the Commissioner of Agriculture and Markets determines it necessary to award emergency contracts;

6. Sections 139-j, 139-k and 163 of the State Finance Law, to the extent of allowing the Commissioner of Agriculture and Markets to purchase necessary commodities and contract for services without following the standard procurement process;

7. Section 21-2100 of the Village Law, to the extent of eliminating the seven-day minimum wait period before a public hearing can be conducted and any other notice requirement, thereby allowing the Housing Trust Fund Corporation and/or eligible applicants to expedite the delivery of Community Development Block Grant funds;

8. Title 21, Chapter L, Part 4243, of the New York Codes, Rules and Regulations, promulgated by the UDC for the Economic Development Fund established pursuant to Section 16-i of the New York State Urban Development Corporation Act, to the extent that the UDC determines it to be necessary to allow for modifications of existing agreements between the UDC and the Essex County Industrial Development Authority in order to provide loans to agricultural businesses located in Essex County and affected by the disasters; and

9. Subdivision (2) of Section 14.09 of the Parks, Recreation and Historic Preservation Law, to the extent of requiring the Commissioner of Parks, Recreation and Historic Preservation to undertake in an expedited fashion the required review as to whether an applicable project may have an adverse impact on any property that is listed on the National Register of Historic Places or on the State Register or is determined to be eligible for the State Register.

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

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Lawrence S. Schwartz  
*Secretary to the Governor*

**Executive Order No. 23: Extending the Period for Paying School District Taxes in Certain School Districts Within the Counties of Broome, Delaware, Essex, Greene, Hamilton, Orange, Schoharie, Tioga, Ulster and Washington.**

WHEREAS, beginning on August 27, 2011 and continuing thereafter, Hurricane Irene and Tropical Storm Lee brought torrential rainfall causing record flooding and storm surge throughout the State of New York;

WHEREAS, on September 15, 2011, I issued Executive Order Number 21, declaring a State disaster emergency in a number of counties, including Broome, Delaware, Essex, Greene, Orange, Schoharie, Tioga, Ulster and Washington as a result of torrential rainfall, flooding and storm surge throughout the State of New York which severely devastated the afore-mentioned counties;

WHEREAS, such torrential rainfall, flooding and storm surge have also damaged Hamilton County, resulting in personal hardship, widespread power outage and extensive property damage;

WHEREAS, school district taxes for the 2011-2012 school year are currently due on or about September 30, 2011 in the school districts located within the Counties of Broome, Delaware, Essex, Greene, Hamilton, Orange, Schoharie, Tioga, Ulster and Washington;

WHEREAS, section 925-a of the Real Property Tax Law authorizes the Governor to extend the period for paying such taxes without interest or penalty upon request of the chief executive officer of an affected county, city, town, village or school district during a State disaster emergency;

WHEREAS, a request for such an extension has been received by the Governor's Office on behalf of the following school districts within the below-listed counties: Broome County: Binghamton City School District, Chenango-Forks Central School District, Chenango Valley Central School District, Deposit Central School District, Johnson City School District, Susquehanna Valley Central School District, Union-Endicott Central School District and Vestal Central School District; Delaware County: Andes Central School District, Roxbury Central School District, Sidney Central School District and Stamford Central School District, Essex County: Moriah Central School District, Greene County: Catskill Central School District and Hunter-Tannersville Central School District; Hamilton County: Wells Central School District; Orange County: Warwick Valley Central School District and Washingtonville Central School District; Schoharie County: Jefferson Central School District, Schoharie Central School District and Sharon Springs Central School District; Tioga County: Candor Central School District; Ulster County: Marlboro Central School District, Onteora Central School District and New Paltz Central School District; and Washington County: Granville Central School District, Hartford Central School District and Salem Central School District;

WHEREAS, given the difficulties continuing to confront the people of the afore-mentioned counties, such an extension is eminently warranted;

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 find that a disaster has occurred for which Hamilton County is unable to respond adequately, and pursuant to section 28 of article 2-B of the Executive Law, do hereby declare a State Disaster Emergency for Hamilton County;

FURTHER, by virtue of the authority vested in me by Section 925-a of the Real Property Tax Law, I do hereby extend the period for paying without interest or penalty the school district taxes that are due on or about September 30, 2011 in the afore-mentioned school districts within the above listed counties for twenty-one days from the final date such taxes are currently due; and

FURTHER, this Executive Order may be revised and amended to extend the period for paying school taxes for additional school districts within the counties adversely affected by Hurricane Irene or Tropical Storm Lee.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this nineteenth day of September in the year two thousand eleven.

*BY THE GOVERNOR*  
/S/ Andrew M. Cuomo  
/s/ Lawrence S. Schwartz  
*Secretary to the Governor*

