

# EXECUTIVE ORDERS

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## **Executive Order No. 76: Designation Pursuant to Section 6 of the Executive Law.**

WHEREAS, on November 13, 2012, I issued Executive Order Number 73, forming a Commission to study, examine, investigate, and review a number of issues related to the utilities and their regulatory oversight (the "Commission"); and

WHEREAS, the Commission is empowered to subpoena and enforce the attendance of witnesses; to administer oaths or affirmations and examine witnesses under oath; to require the production of any books, records or papers deemed relevant or material to any investigation, examination or review; and to perform any other functions that are necessary or appropriate to fulfill the duties and responsibilities of office, and is granted all powers and authorities which may be given or granted to persons appointed by me for such purpose under authority of Section 6 of the Executive Law; and

WHEREAS, the Commission is made up of ten Commissioners, including two Co-Chairs;

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, including Section 6 of the Executive Law, with respect to the Commission established under Executive Order Number 73, do hereby order as follows:

1. The issuance of subpoenas shall require the prior approval of both Co-Chairs; and

2. The Commission may, upon the assent of both Co-Chairs, adopt such procedures as they believe necessary governing the exercise of the powers and authorities given or granted to the Commissioners pursuant to Section 6 of the Executive Law.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this twentieth day of November in the year two thousand twelve.

*BY THE GOVERNOR*

/S/ Andrew M. Cuomo

/s/ Lawrence Schwartz

*Secretary to the Governor*

## **Executive Order No. 77: Temporary Suspension and Modification of Provisions of the Insurance Law.**

WHEREAS, on October 26, 2012, I issued Executive Order Number 47, declaring a disaster emergency in all 62 counties in the State of New York; and

WHEREAS, on October 30, 2012, the President issued a major disaster declaration for the counties of Bronx, Kings, Nassau, New York, Queens, Richmond and Suffolk, and on November 2, 2012, extended such declaration to include the counties of Rockland and Westchester; and

WHEREAS, Hurricane Sandy brought damaging winds and torrential rainfall causing record flooding and severe storm surge throughout the State of New York that severely devastated the State; and

WHEREAS, Hurricane Sandy caused damage to the New York City offices of the New York State Department of Financial Services ("Department"), interfering with the ability of Department employees

to perform their regular duties because they have been and continue to be engaged in critical disaster relief work and are not otherwise available;

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 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 and modify, as the case may be, for the period the disaster emergency was declared pursuant to Executive Order Number 47, issued on October 26, 2012, until further notice, the following:

Section 1505 of the Insurance Law, to the extent that a transaction specified in subsection (d) thereof between a controlled insurer and any person within its holding company system shall not be entered into unless the Superintendent of Financial Services ("Superintendent") has approved it;

Section 1603 of the Insurance Law, to the extent that a parent insurer shall not acquire a majority of any corporation's outstanding common shares pursuant to Insurance Law Article 16 without the Superintendent's approval;

Section 2305 of the Insurance Law, to the extent that a rate filing for any kind of insurance specified in subsection (b) thereof shall not take effect unless the Superintendent has approved it;

Section 2307 of the Insurance Law, to the extent that a policy form filing subject to subsection (b) thereof shall not take effect unless the Superintendent has approved it;

Section 4207 of the Insurance Law, to the extent that a domestic stock life insurance company shall not distribute any dividend to its shareholders unless the Superintendent has approved it; and

Section 4240 of the Insurance Law, to the extent that an amendment to a statement of an insurer's methods of operation of a separate account that does not change the investment policy shall not be deemed approved unless the Superintendent has approved it.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this twentieth day of November in the year two thousand twelve.

*BY THE GOVERNOR*

/S/ Andrew M. Cuomo

/s/ Lawrence Schwartz

*Secretary to the Governor*

## **Executive Order No. 78: Temporary Suspension of Provisions Related to Child and Family Welfare, Child Day Care, Juvenile Justice, Runaway and Homeless Youth, Adult Protective Services, and Residential and Non-Residential Care for Victims of Domestic Violence.**

WHEREAS, on October 26, 2012, I issued Executive Order Number 47, declaring a disaster emergency in all 62 counties of the State of New York; and

WHEREAS, on October 30, 2012, the President issued a major di-

saster declaration for the counties of Bronx, Kings, Nassau, New York, Queens, Richmond and Suffolk, and on November 2, 2012, extended such declaration to include Rockland and Westchester Counties, and on November 12, 2012, extended such declaration to include Orange, Putnam, Sullivan and Ulster Counties; and

WHEREAS, social services districts, youth bureaus, detention administrators, social services agencies, and the children and families served by such entities in the federally declared counties are addressing multiple issues arising out of the emergency situation; and

WHEREAS, Section 29-a of the Executive Law authorizes the suspension, alteration or 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 State disaster emergency; and

WHEREAS, in the federally declared counties, the enforcement of certain State statutes and regulations, which the Office of Children and Family Services ("OCFS") has no ability to waive, could adversely affect the ability of some affected parties to address issues concerning the disaster emergency or to provide services to those affected by the disaster emergency;

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, 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 State disaster emergency, hereby suspend or modify, for social services districts, county detention agencies, municipalities, youth bureaus and social services agencies, as applicable, in the federally-declared counties, for the period the disaster emergency was declared pursuant to Executive Order Number 47, issued on October 26, 2012, until further notice, the following laws and regulations under the following conditions:

1. Subdivision (6) of Section 153 and subdivisions (5) through (7) of Section 153-k of the Social Services Law, subdivision (1) of Section 420 and subdivisions (2) and (6) of Section 530 of the Executive Law, associated regulations and relevant appropriation language in Chapter 53 of the Laws of 2012, to the extent social services districts, county detention agencies, municipalities and youth bureaus are unable, as a result of the disaster emergency, to submit claims and claiming information within the required timeframes to OCFS or the Department of Family Assistance for programs administered by such Office, with the exception of any federally required timeframes, provided that said claims and claiming information are submitted as soon as practicable; and

2. Parts 441, 442, 443, 446, 447, 448, 449 and 451 of Title 18 of the New York Codes, Rules and Regulations ("NYCRR"), to the extent social services districts or agencies are unable, as a result of the disaster emergency, to comply with those provisions of such regulations that establish timeframes relating to: (a) making casework contacts; (b) completing specified services or activities; (c) certifying, approving or renewing certifications or approvals of foster family boarding homes, provided that such activities are completed as soon as practicable; and

3. Part 443 of Title 18 of the NYCRR relating to the certification or approval and operation of foster family boarding homes, to the extent foster families are unable, as a result of the disaster emergency, to continue to comply with the requirements or their foster children had to be relocated or otherwise cared for, in temporary emergency foster homes or other locations to avoid risk to their health and safety provided that compliance with such requirements is re-established as soon as practicable; and

4. Subdivision (b) of Section 532-e of the Executive Law and subdivision (2) of Section 390, subdivision (3) of section 390-a, subdivision (4) of section 459-a and subdivision (2) of section 461-b of the Social Services Law, and associated regulations, to the extent that providers or municipalities, as applicable, are unable, as a result of the disaster emergency, to comply with timeframes for submitting renewal application materials and completing activities required for

operating certificates for runaway and homeless youth programs, detention facilities, child day care programs, residential programs for victims of domestic violence, and family type homes for adults, provided that such materials are submitted and activities are completed as soon as practicable; and

5. Subdivision (6) of Section 398 and subdivision (1) of Section 398-a of the Social Services Law and associated regulations, and subdivision (6) of Section 355.3, subdivision (f) of Section 756-a, subdivision (a) of Section 1087 and subdivision (d) of Section 1089 of the Family Court Act, to the extent such provisions limit the maximum age that youth may remain in foster care and preclude social services districts from reimbursing authorized agencies for caring for such youth or OCFS from reimbursing social services districts for the costs of caring for such youth under the foster care block grant where such youths' safe and appropriate discharge from foster care is impeded by the disaster emergency or circumstances arising thereunder; and

6. Sections 532-a, 532-b and 532-d of the Executive Law and associated regulations, to the extent such provisions limit the maximum age or a maximum length of time a youth may stay in a residential runaway or homeless youth program, and Section 459-b of the Social Services Law and Sections 408.6, 452.9, 454.5 and 455.4 of Title 18 of the NYCRR, to the extent such provisions limit the maximum length of time victims of domestic violence and their families may stay in residential programs for victims of domestic violence, where their safe and appropriate release is impeded by the disaster emergency or circumstances arising thereunder; and

7. Sections 408.7, 427.1, 427.7 and 427.9 of Title 18 of the NYCRR to the extent authorized agencies or residential programs for victims of domestic violence are unable, due to the disaster emergency, to comply with the provisions requiring the submission of standards of payment information, or requests for good cause exemptions by the dates specified in such regulations, provided that such information or requests are submitted as soon as practicable; and

8. Sections 420 and 530 of the Executive Law and associated regulations, to the extent that such provisions preclude State reimbursement to a municipality from the municipality's annual distribution of funds for detention services or runaway and homeless youth services for costs that were necessary to house youth evacuated or displaced from detention programs and runaway and homeless youth programs due to the disaster emergency; and

9. Paragraph (a) of subdivision (2) of Section 153-k and Section 398 of the Social Services Law and associated regulations, to the extent such provisions would preclude social services districts from making foster care payments to authorized agencies and preclude State reimbursement to a social services district for such costs from the district's foster care block grant for the days foster children were evacuated or displaced from regulated foster homes or congregate foster care facilities as a result of the disaster emergency; and

10. Sections 409-e and 409-f of the Social Services Law and associated regulations, to the extent social services districts or agencies are unable, due to the disaster emergency, to comply with those provisions of such regulations that establish timeframes for completion of documents in uniform case records and family and child assessments and service plans, provided such activities are completed as soon as practicable; and

11. Paragraph (p) of subdivision (6) of Section 398 and subdivisions (1), (5) and (7) of Section 409-a of the Social Services Law and paragraph (16) of subdivision (b) of Section 423.2, subdivision (b) of Section 423.4, subdivisions (c) through (j) of Section 430.9 and Section 435.5 of Title 18 of the NYCRR, to the extent a social services district determines that, as a result of the disaster emergency, the limits on the length of time for the provision of preventive services or respite care and services, the limits on the maximum amounts of housing subsidy payments, or the limits on the location where respite care and services may be provided impede the social services district's ability to prevent a child's placement into foster care or to release a child sooner from foster care; provided, however, that the social services district may determine the maximum amount of housing subsidy payments it will pay above the limits set forth in such regulations; and

12. Part 404 of Title 18 of the NYCRR, to the extent social services

districts are unable, as a result of the disaster emergency, to comply with timeframes for making eligibility and service authorization determinations and redeterminations for social services, provided such determinations and redeterminations are made as soon as practicable; and

13. Part 404 of Title 18 of the NYCRR, to the extent that such provisions would impede individuals from documenting eligibility because, as a result of the disaster emergency, they lost or are unable to access the documents necessary for them or their families to document their eligibility, provided such persons attest to their eligibility, in writing, and the social services district takes reasonable steps to verify such eligibility as soon as practicable; and

14. Part 405 of Title 18 of the NYCRR, to the extent such provisions limit the method by which social services districts may purchase items or services necessary to respond to the disaster emergency; and

15. Part 421 of Title 18 of the NYCRR, to the extent social services districts and adoption agencies are unable, as a result of the disaster emergency, to comply with the timeframes for contact with prospective adoptive parents and completion of home studies concerning prospective adoptive parents, provided such activities are completed as soon as practicable.

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

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

**Executive Order No. 79: Temporary Suspension of Provisions Relating to State Contracts and for the Repair of State Facilities for the State Disaster Emergency.**

WHEREAS, on October 26, 2012, I issued Executive Order Number 47, declaring a disaster emergency in all 62 counties in the State of New York;

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 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, for the period the disaster emergency was declared pursuant to Executive Order Number 47, issued on October 26, 2012, until further notice, the following laws:

Section 3 of the Public Buildings Law, to the extent the Commissioner of General Services determines it necessary to lease space for relocation and support of ongoing operations of State agencies, departments, commissions, boards and officers;

Section 9(2) and (4) of the Public Buildings Law, to the extent the Commissioner of General Services determines it necessary to authorize the award of emergency contracts and/or to combine design and construction services in contracts and/or to use such contracts and services when needed at a threshold above three hundred thousand dollars;

Sections 135 and 136-a of the State Finance Law, to the extent the Commissioner of General Services determines it necessary to combine design and construction services in one contract and/or to obtain design and construction inspection services;

Section 163 of the State Finance Law, to the extent that the Commissioner of General Services may enter into contracts and purchase necessary commodities, services, technology and materials without following the standard procurement processes;

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 General Services determines it necessary to add

additional work, sites and time to State contracts, to award leases for relocation and support of state operations under Public Buildings Law Section 3, to award emergency contracts under Public Buildings Law Section 9, to award emergency contracts for professional services under Section 136-a of the State Finance Law and to award emergency contracts for commodities, services, technology and materials pursuant to Section 163 of the State Finance Law; and

Article 8 of the Environmental Conservation Law, and Part 15 of Title 17 and Part 617 of Title 6 of the New York Codes, Rules and Regulations, to the extent that the Commissioner of General Services determines that work is immediately necessary for the replacement, rehabilitation, or reconstruction of structures and facilities.

Executive Order Number 55, issued November 2, 2012, is superseded by this Executive Order.

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

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

**Executive Order No. 80: Extending the Period for Paying School District Taxes in Certain School Districts Within the County of Nassau.**

WHEREAS, on October 26, 2012, I issued Executive Order Number 47, declaring a disaster emergency in all 62 counties in the State of New York; and

WHEREAS, beginning on October 29, 2012, and continuing thereafter, Hurricane Sandy brought damaging winds and torrential rainfall, causing record flooding and severe storm surge throughout the State, severely devastating numerous counties, including Nassau County; and

WHEREAS, school district taxes for the 2012-2013 school year were due on or about November 10, 2012, in the school districts located within Nassau County; and

WHEREAS, Section 925-a of the Real Property Tax Law authorizes the Governor to retroactively 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 by up to twenty-one days from the final date such taxes are currently due; and

WHEREAS, as a result of ongoing disruptions caused by Hurricane Sandy, certain school districts within Nassau, Orange and Rockland Counties requested an extension of the period for paying school district taxes otherwise due on or about, respectively, November 10, 2012, October 31, 2012, and November 5, 2012, and such extension was granted by Executive Order Number 70, issued on November 9, 2012, and Executive Order Number 74, issued on November 13, 2012; and

WHEREAS, requests for such an extension have been received by the Governor's Office on behalf of the following school districts within Nassau County: (1) East Rockaway Union Free School District; (2) Merrick Union Free School District; and (3) Roosevelt Union Free School District; and

WHEREAS, given the difficulties continuing to confront the people of the aforementioned 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 Section 925-a of the Real Property Tax Law do hereby retroactively extend the period for paying without interest or penalty the school district taxes that were due on or about November 10, 2012, in the aforementioned school districts within Nassau County for twenty-one days from the final date such taxes are currently due;

FURTHER, this Executive Order may be revised and amended to

extend the period for paying school taxes for additional school districts within any counties adversely affected by Hurricane Sandy.

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

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

**Executive Order No. 81: Continuing the Suspension of Certain Provisions of Law.**

WHEREAS, on October 26, 2012, I issued Executive Order Number 47 declaring a disaster emergency in all 62 counties in the State of New York; and

WHEREAS, Section 29-a of the Executive Law authorizes the suspension, alteration or 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

WHEREAS, on October 31, 2012, I issued Executive Order Number 49 to, among other things, suspend provisions of the Vehicle and Traffic Law to allow out of state vehicles to aid in disaster recovery, and which will expire on November 30, 2012; and

WHEREAS, on October 31, 2012, I issued Executive Order Number 50 to, among other things, suspend provisions of the Vehicle and Traffic Law to allow faster repair of highways and bridges, and which will expire on November 30, 2012; and

WHEREAS, on October 31, 2012, I issued Executive Order Number 51 to, among other things, suspend provisions relating to residences and businesses affected by the State disaster emergency, and which will expire November 30, 2012; and

WHEREAS, on October 31, 2012, I issued Executive Order Number 52 to, among other things, suspend deadlines for certain criminal processes and appeals, and which will expire on November 25, 2012; and

WHEREAS, on November 2, 2012, I issued Executive Order Number 56 to, among other things, suspend and modify provisions relating to the State Office for the Aging, and which will expire on November 25, 2012; and

WHEREAS, on November 3, 2012, I issued Executive Order Number 57 to, among other things, suspend provisions of the Education Law relating to dialysis services, and which will expire on December 3, 2012; and

WHEREAS, on November 3, 2012, I issued Executive Order Number 58 to, among other things, suspend provisions regarding the certification of donated water, and which will expire on December 3, 2012; and

WHEREAS, on November 3, 2012, I issued Executive Order Number 59 to, among other things, suspend provisions relating to limitations on motor and home heating fuel, and which will expire on December 3, 2012; and

WHEREAS, on November 3, 2012, I issued Executive Order Number 60 to, among other things, suspend provisions of the Criminal Procedure Law and the Penal Law relating to the powers of certain security guards, and which will expire on November 25, 2012; and

WHEREAS, on November 5, 2012, I issued Executive Order Number 64 to, among other things, suspend and modify provisions of the Public Health Law and the Education Law relating to home health care, and which will expire on November 25, 2012; and

WHEREAS, on November 7, 2012, I issued Executive Order Number 65 to, among other things, suspend and modify statutes and regulations relating to the transportation of school children in New York City, and which will expire on December 7, 2012; and

WHEREAS, on November 8, 2012, I issued Executive Order Number 66 to, among other things, suspend and modify statutes and regulations relating to emergency shelter, and which will expire on November 25, 2012; and

WHEREAS, on November 8, 2012, I issued Executive Order Number 67 to, among other things, suspend and modify statutes and regulations relating to the Supplemental Nutrition Assistance Program, and which will expire on November 25, 2012; and

WHEREAS, on November 9, 2012, I issued Executive Order Number 68 to, among other things, suspend and modify statutes and regulations to expand access to tetanus immunizations, and which will expire on November 25, 2012; and

WHEREAS, on November 11, 2012, I issued Executive Order Number 71 to, among other things, suspend and modify statutes and regulations relating to services provided to individuals with developmental disabilities, mental illnesses and alcohol and substance abuse disorders, and which will expire on November 25, 2012; and

WHEREAS, on November 11, 2012, I issued Executive Order Number 72 to, among other things, suspend and modify health statutes and regulations, and which will expire on November 25, 2012; and

WHEREAS, on November 20, 2012, I issued Executive Order Number 77 to, among other things, suspend and modify provisions of the Insurance Law, and which will expire on November 25, 2012; and

WHEREAS, on November 20, 2012, I issued Executive Order Number 78 to, among other things, suspend provisions related to child and family welfare, child day care, juvenile justice, runaway and homeless youth, adult protective services, and residential and non-residential care for victims of domestic violence, and which will expire on November 25, 2012; and

WHEREAS, on November 20, 2012, I issued Executive Order Number 79 to, among other things, suspend provisions relating to state contracts and for the repair of state facilities, and which will expire on November 25, 2012; and

WHEREAS, Section 29-a of the Executive Law provides that no suspension of laws shall be made for a period in excess of thirty days, provided, however, that upon reconsideration of all of the relevant facts and circumstances, the suspension may be extended for additional thirty-day periods; 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, and after having reconsidered all of the relevant facts and circumstances, do hereby order the following:

The suspension of provisions of law ordered by Executive Order Number 52 shall continue through December 25, 2012, except that the provision suspending Sections 30.10 and 30.30 of the Criminal Procedure Law shall not be continued;

The suspension of provisions of law ordered by Executive Order Numbers 56, 60, 64, 66, 67, 68, 71, 72, 77, 78 and 79 shall continue through December 25, 2012;

The suspension of provisions of law ordered by Executive Order Numbers 49, 50 and 51 shall continue through December 30, 2012;

The suspension of provisions of law ordered by Executive Order Numbers 57, 58 and 59 shall continue through January 3, 2013;

And the suspension of provisions of law ordered by Executive Order Number 65 shall continue through January 7, 2013.

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

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