

EXECUTIVE ORDERS

Executive Order No. 47: Declaring a Disaster in the Counties of Albany, Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, St. Lawrence, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, Wyoming And Yates.

WHEREAS, on October 28, 2012 and continuing thereafter, Hurricane Sandy is forecast to impact New York State, resulting in evacuations of the threatened populations and posing an imminent danger to vital public transportation, utility service, and public health and public safety systems within the counties of Albany, Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, St. Lawrence, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, Wyoming and Yates; and

WHEREAS, this event may cause widespread power outages and flooding, damage to homes, apartments, businesses, and public and private property, damage and uproot trees, and continue to pose a threat to the public health and safety;

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 find that a disaster has occurred for which the affected local governments are unable to respond adequately. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Executive Law § 28, I hereby declare a State Disaster Emergency effective October 26, 2012 within the territorial boundaries of the counties of Albany, Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, New York, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, St. Lawrence, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, Wyoming and Yates, and

FURTHER, pursuant to Executive Law § 29, I direct the implementation of the State Disaster Preparedness Plan and authorize, effective October 26, 2012, the State Office of Emergency Management, the Department of Health, the Department of Transportation, the Division of State Police, the Division of Military and Naval Affairs, the Department of Environmental Conservation, the Department of Corrections and Community Supervision, the Public Service Commission, the Office of Fire Prevention and Control, the Department of Labor, the Office of Parks, Recreation and Historic Preservation, the Office of General Services, the State University of New York, the Thruway

Authority, the Division of Homeland Security and Emergency Services, other State agencies as necessary, and the American Red Cross 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 other assistance as necessary to protect the public health and safety.

IN ADDITION, this declaration satisfies the requirements of 49 C.F.R. § 390.23(a)(1)(A), which provides relief from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations, such relief being necessary to hasten the movement of utility power restoration crews into New York State.

IN ADDITION, this declaration satisfies the requirements of Executive Law § 29-g, which authorizes use of the Emergency Management Assistance Compact and satisfies the requirements of Executive Law § 29-g(3)(c).

FURTHER, I have designated Steven Kuhr, Director of the State Office of Emergency Management, 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 twenty six day of October in the year two thousand twelve.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Lawrence Schwartz

Secretary to the Governor

Executive Order No. 48: Temporary Suspension of Provisions Relating to Authority of Police Officers Employed by New York State Agencies.

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

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, I hereby temporarily suspend, for the period from the date of this Executive Order until further notice, the following laws:

Sections 9.05 and 13.17 of the Parks, Recreation and Historic Preservation Law and Paragraph (e) of Subdivision 34 of Section 1.20 of the Criminal Procedure Law, to the extent that members of the Regional State Park Police shall report to and be under the authority and command of the Superintendent of State Police;

Paragraph 1 of Subdivision 2 of Section 355 of the Education Law and Paragraph (s) of Subdivision 34 of Section 1.20 of the Criminal Procedure Law, to the extent that members of the University Police Force shall report to and be under the authority and command of the Superintendent of State Police;

Paragraph (d) of Subdivision 34-a of Section 1.20 of the Criminal Procedure Law, so far as it relates to employment limitations of

University Police Officers based on geographical area so that such officers may perform police officer duties in any geographical area in the State of New York to which they are deployed by the Superintendent of State Police;

Paragraphs (j) and (v) of Subdivision 34 of Section 1.20 of the Criminal Procedure Law, Articles 9 and 71 of the Environmental Conservation Law and Parts 641 and 642 of Title 6 of the New York Code of Rules and Regulations, to the extent that sworn officers of the Division of Law Enforcement in the Department of Environmental Conservation, supervisors of forest ranger services, assistant supervisors of forest ranger services and forest ranger ones, twos and threes, and sworn officers of the Division of Forest Protection and Fire Management employed by the State Department of Environmental Conservation and responsible for wild land search and rescue and wild land fire management shall report to and be under the authority and command of the Superintendent of State Police and shall have the authority to make arrests and perform police officer duties in any geographical area in the State of New York to which they are deployed by the Superintendent of State Police;

Paragraph (a) of Subdivision 2 of Section 140.10 of the Criminal Procedure Law, so far as it relates to the geographical area of arrest limitation for police officers so that such officers may make arrests and perform police officer duties in any geographical area in the State of New York to which they are deployed by the Superintendent of State Police.

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

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