

EXECUTIVE ORDERS

Executive Order No. 62: Temporary Suspension of Provisions Relating to the Election 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, New York State is firmly committed to holding a fair and accessible general election and maximizing voter participation in this election; and

WHEREAS, Hurricane Sandy has struck a deadly blow, destroying lives, countless houses and businesses, displacing thousands of New Yorkers from their homes, disrupting transportation, the flow of commerce and daily life and complicating even the simplest and most routine acts of living; and

WHEREAS, New Yorkers who are victims of Hurricane Sandy should not lose their right to vote; and

WHEREAS, it is incumbent upon the State not to let this devastation undermine our democracy, and to actively facilitate the exercise of the fundamental, constitutional right to vote of registered voters who reside in the federally declared counties who have been impacted and displaced by Hurricane Sandy;

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 and otherwise alter or modify, for the period from the date of this Executive Order until further notice, the following:

Section 8-302 of the Election Law is temporarily suspended and otherwise altered and modified so that a voter seeking to vote by affidavit ballot need not affirm that such voter is duly registered in the election district in which such voter seeks to cast an affidavit ballot if such voter is registered to vote within one of the federally declared counties or New York City.

Section 9-209 of the Election Law is temporarily suspended and otherwise modified so that every board of elections in the State shall transmit the affidavit or provisional ballot of any voter who resides in one of the federally declared counties to the board of elections wherein such voter is registered to vote to be canvassed with other affidavit and absentee ballots for the election district wherein the voter resides.

Subparagraph (iii) of Paragraph (a) of Subdivision 2 of Section 9-209 of the Election Law is temporarily suspended and otherwise altered and modified so that the board of elections for the county in which such voter resides shall cast and canvass such ballot, if it determines that such voter was entitled to vote regardless of the fact that the voter may have appeared in the incorrect polling place, provided that such vote shall not be cast and canvassed for such contests for which the person was not entitled to vote at such election.

FURTHER, the State Board of Elections shall promptly instruct county boards of elections on the proper implementation of this Executive Order including requiring such boards:

1. to instruct poll workers to provide affidavit ballots and guidance to voters; and
2. to provide notice and guidance to voters in accordance with this

Executive Order: (a) that indicates that voters who reside in the counties of Nassau, Rockland, Suffolk, or Westchester, or in New York City may receive and complete an affidavit ballot at any polling place in New York State; and (b) that the voter's vote will count for the office of President and United States Senator and it will also count for any other candidate for office and district as well as any ballot initiative that appears on the official ballot in the voter's home district.

Notice of this Executive Order and its contents shall be provided by the State Board of Elections on its website and by boards of elections, at a minimum, at every poll site and on any website maintained by such boards.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifth 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. 63: Declaring Certain Conditions Caused by Hurricane Sandy in and Around Federally Declared Counties to be Public Nuisances Impacting Public Health and Ordering the Removal of Those Conditions.

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 of New York that severely devastated the State; and

WHEREAS, the flooding and storm surge caused by Hurricane Sandy created significant debris in and around the federally declared counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk and Westchester, and this debris has caused conditions that continue to pose a persistent threat to the security, life and health of persons in those areas; and

WHEREAS, weather forecasts have identified a second powerful storm which may soon strike in and around the federally declared counties and that may worsen existing debris and related conditions; and

WHEREAS, in accordance with Section 1301 of Article 13 of the Public Health Law, the New York State Commissioner of Health has reviewed the conditions caused by Hurricane Sandy in and around the federally declared counties and, based on that review, has found that these conditions to be public nuisances;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 1301 of Article 13 of the Public Health Law hereby declare the conditions caused by Hurricane Sandy to be public nuisances and order relevant local officials to remove the debris forthwith.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifth 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. 64: Temporary Suspension and Modification of Regulatory Provisions Regarding Home Health Care During 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 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, as the case may be, during the period from the date that the disaster emergency was declared pursuant to Executive Order Number 47, issued on October 26, 2012, until further notice, the following:

Articles 28-E and 36 of the Public Health Law and Article 139 of the Education Law, and any associated regulations, to the extent they prohibit home care or nursing services from being provided by an individual not licensed pursuant to such articles and regulations and to the extent they limit the provision of home health services to agencies that are licensed or certified pursuant to Article 36 of the Public Health Law, so that home health agencies which are not approved to operate in New York State may nonetheless provide such services pursuant to a contract with the Federal Emergency Management Agency ("FEMA") for the purpose of serving individuals within the counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk and Westchester, as long as the employees providing services pursuant to such FEMA contract are themselves licensed or certified, as applicable, in other states and are in good standing in such states, possess the appropriate training and competence required by applicable federal regulations and otherwise act only within the scope of their practice and expertise consistent with the authority their level of training and education would allow them under the corresponding New York state license or certification; and

Article 36 and Article 40 of the Public Health Law, and any associated regulations, to the extent they limit the provision of services by entities licensed or certified under such articles to the geographic areas approved pursuant to such licenses or certifications and any underlying establishment or construction applications, so that such entities may serve patients who are located outside such approved geographic areas and who are in need of services during the disaster emergency but remain in the counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk and Westchester.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifth 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. 65: Temporary Suspension and Modification of Statutory Provisions Relating to the Transportation of

School Children in the City of New York.

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, Hurricane Sandy has forced the relocation of 18,000 students in kindergarten through grade 8 from their regular school locations to other school buildings, while also damaging a significant number of school buses needed to transport these students; and

WHEREAS, the New York City Department of Education must arrange alternative transportation to ensure that these students are able to continue attending school;

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 from the date of this Executive Order until further notice, the following:

Section 3623 of the Education Law, and regulations promulgated thereunder, to the extent that such school bus requirements shall not apply to motor vehicles operated on an emergency basis for the transportation of New York City pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities;

Section 3624 of the Education Law and Section 501 of the Vehicle and Traffic Law, and regulations promulgated thereunder, to the extent that motor vehicles operated on an emergency basis for the transportation of New York City pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities may be operated by drivers who do not meet these school bus driver qualifications but are otherwise qualified to operate such motor vehicles;

Section 140 of the Transportation Law and Sections 375 and 383 of the Vehicle and Traffic Law, and regulations promulgated thereunder, to the extent that provisions applicable only to school buses shall not apply to motor vehicles operated on an emergency basis for the transportation of New York City pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this seventh 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. 66: Temporary Suspension and Modification of Emergency Shelter Statutes and Regulations.

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 Bronx, Kings, Nassau, New York, Queens, Richmond and Suffolk counties, and on November 2, 2012, the President issued a major disaster declaration for Rockland and Westchester counties; and

WHEREAS, the devastation from the disaster included damage to certified facilities providing shelter and services to the homeless necessitating the use of alternate facilities and accommodations to provide shelter to the homeless in the affected communities;

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

Parts 485, 486, 491 and 900 of Title 18 of the New York Codes, Rules and Regulations, and the controlling sections of Titles I and II of Article 7 of the Social Services Law, to the extent they limit the ability of the New York State Office of Temporary and Disability Assistance to approve and facilitate the provision of emergency shelter by local social services districts to men, women and children who are homeless in the federally declared counties.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this eighth 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. 67: Temporary Suspension and Modification of Regulations Related to the Supplemental Nutrition Assistance Program.

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, the United States Department of Agriculture (“USDA”) granted temporary waivers of federal regulatory provisions governing the administration of the Supplemental Nutrition Assistance Program (“SNAP”) in areas affected by the disaster, including the counties of Bronx, Kings, New York, Nassau, Orange, Putnam, Richmond, Rockland, Suffolk, Sullivan, Queens and Westchester, in order to provide administrative relief to the State for managing its workload and maintaining customer service for ongoing recipients;

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

Part 387 of Title 18 of the New York Codes, Rules and Regulations, concerning SNAP, to the extent that any provisions thereof conflict with waivers of federal SNAP regulatory requirements granted by the USDA to the State of New York, under its authority pursuant to Section 402 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and Section 5(h) of the Food and Nutrition Act of 2008, to address the disaster emergency declared pursuant to Executive Order Number 47, issued October 26, 2012, for the areas affected by the disaster in which the USDA granted temporary SNAP waivers.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this eighth 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. 68: Temporary Suspension and Modification of Statutes and Regulations to Expand Access to Tetanus Immunizations During 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; 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 Rockland and Westchester Counties;

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

Article 68 of the Education Law, and any associated regulations, to the extent that such provisions limit the ability of pharmacists already authorized to administer certain immunizations pursuant to Section 6801 and subdivision (22) of Section 6802 of the Education Law to administer tetanus toxoid containing vaccines, including those also containing diphtheria and pertussis vaccine, to persons 18 years of age or older within the federally declared counties, pursuant to a patient specific or non-patient specific regimen from a physician or certified nurse practitioner;

Article 133 of the Education Law, and any associated regulations, to the extent that such provisions limit the ability of dentists to administer tetanus toxoid containing vaccines, including those also containing diphtheria and pertussis vaccine, to persons 18 years of age or older within the federally declared counties, pursuant to a patient specific or non-patient specific regimen from a physician or certified nurse practitioner;

Article 30 of the Public Health Law and Articles 131 and 139 of the Education Law, and any associated regulations, to the extent that such provisions limit the ability of emergency medical technicians to administer tetanus toxoid containing vaccines, including those also containing diphtheria and pertussis vaccine, to persons 18 years of age or older within the federally declared counties, pursuant to a patient specific or non-patient specific regimen from a physician or certified nurse practitioner, so that such emergency medical technicians can administer vaccines under the jurisdiction of a county or city health department within the federally declared counties, provided that such county or city health department shall be responsible for supervision of the emergency medical technicians and maintaining patient records of such administration; and

Subdivision (7) of Section 6527 and subdivision (7) of Section 6909 of the Education Law, and any associated regulations, to the extent that such provisions do not permit physicians and certified nurse practitioners to prescribe and order a patient specific or non-patient specific regimen for tetanus toxoid containing vaccines, including those also containing diphtheria and pertussis vaccine, to pharmacists certified to administer vaccines pursuant to Article 68 of the Education Law, dentists licensed under Article 133 of the Education Law, or emergency medical technicians certified pursuant to Article 30 of the Public Health Law, so that such individuals can administer vaccines as set forth in this Executive Order.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this ninth 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. 69: Temporary Suspension and Modification of Statutory Provisions Relating to Payment of Fees for Duplicate State-Issued Documents and Extension of Expiration Dates.

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;

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, for the purpose of allowing victims of the disaster residing within the federally declared counties 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, and the Secretary of State, the following laws:

A. 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;

Section 301 of the Vehicle and Traffic Law, to the extent that it requires the inspection of vehicles currently bearing inspection stickers with expiration dates on or after October 29, 2012; and

Section 2109 and Subdivision (a) of Section 2112 of the Vehicle

and Traffic Law, to the extent that those provisions require that a certificate of title be mailed to the owner of a vehicle;

B. Laws Relating to the Department of State

Subdivisions (3) and (4) of Section 96 and Section 96-a of the Executive Law, 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 (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;

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 (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 (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;

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 (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 (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;

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; and

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;

C. Laws Relating to the Department of Health

Subdivisions (2) and (9) of Section 4174 of the Public Health Law, to the extent that they require payment of a fee for replacement birth certificates or certified transcripts of birth, and certified copies or transcripts of 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; and

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 certification, certified copy or certified transcript of a certificate of marriage;

D. 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; and

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;

E. Laws 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 au-

thorization to provide professional engineering or land surveying services; and

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 Codes, 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 ninth day of November in the year two thousand twelve.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Lawrence Schwartz

Secretary to the Governor

