

STATE OF NEW YORK

7919

IN SENATE

March 2, 2020

Introduced by Sen. STEWART-COUSINS -- (at request of the Governor) --
read twice and ordered printed, and when printed to be committed to
the Committee on Rules

AN ACT to amend the executive law, in relation to issuing by the gover-
nor of any directive necessary to respond to a state disaster emergen-
cy; making an appropriation therefor; and providing for the repeal of
certain provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Paragraph a of subdivision 2 of section 20 of the executive
2 law, as amended by section 1 of part B of chapter 56 of the laws of
3 2010, is amended to read follows:

4 a. "disaster" means occurrence or imminent, impending or urgent threat
5 of wide spread or severe damage, injury, or loss of life or property
6 resulting from any natural or man-made causes, including, but not limit-
7 ed to, fire, flood, earthquake, hurricane, tornado, high water, land-
8 slide, mudslide, wind, storm, wave action, volcanic activity, epidemic,
9 disease outbreak, air contamination, terrorism, cyber event, blight,
10 drought, infestation, explosion, radiological accident, nuclear, chemi-
11 cal, biological, or bacteriological release, water contamination, bridge
12 failure or bridge collapse.

13 § 2. Section 29-a of the executive law, as added by chapter 640 of the
14 laws of 1978, subdivision 1 as amended by section 7 of part G of chapter
15 55 of the laws of 2012, is amended to read as follows:

16 § 29-a. Suspension of other laws. 1. Subject to the state constitu-
17 tion, the federal constitution and federal statutes and regulations, the
18 governor may by executive order temporarily suspend [~~specific provisions~~
19 ~~of~~] any statute, local law, ordinance, or orders, rules or regulations,
20 or parts thereof, of any agency during a state disaster emergency, if
21 compliance with such provisions would prevent, hinder, or delay action
22 necessary to cope with the disaster or if necessary to assist or aid in
23 coping with such disaster. The governor, by executive order, may issue
24 any directive during a state disaster emergency declared in the follow-
25 ing instances: fire, flood, earthquake, hurricane, tornado, high water,

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 landslide, mudslide, wind, storm, wave action, volcanic activity,
2 epidemic, disease outbreak, air contamination, terrorism, cyber event,
3 blight, drought, infestation, explosion, radiological accident, nuclear,
4 chemical, biological, or bacteriological release, water contamination,
5 bridge failure or bridge collapse. Any such directive must be necessary
6 to cope with the disaster and may provide for procedures reasonably
7 necessary to enforce such directive.

8 2. Suspensions pursuant to subdivision one of this section shall be
9 subject to the following standards and limits, which shall apply to any
10 directive where specifically indicated:

11 a. no suspension or directive shall be made for a period in excess of
12 thirty days, provided, however, that upon reconsideration of all of the
13 relevant facts and circumstances, the governor may extend the suspension
14 for additional periods not to exceed thirty days each;

15 b. no suspension or directive shall be made which [~~does not safeguard~~
16 ~~the~~] is not in the interest of the health [~~and~~] or welfare of the public
17 and which is not reasonably necessary to aid the disaster effort;

18 c. any such suspension order shall specify the statute, local law,
19 ordinance, order, rule or regulation or part thereof to be suspended and
20 the terms and conditions of the suspension;

21 d. the order may provide for such suspension only under particular
22 circumstances, and may provide for the alteration or modification of the
23 requirements of such statute, local law, ordinance, order, rule or regu-
24 lation suspended, and may include other terms and conditions;

25 e. any such suspension order or directive shall provide for the mini-
26 mum deviation from the requirements of the statute, local law, ordi-
27 nance, order, rule or regulation suspended consistent with the goals of
28 the disaster action deemed necessary; and

29 f. when practicable, specialists shall be assigned to assist with the
30 related emergency actions to avoid needless adverse effects resulting
31 from such suspension.

32 3. Such suspensions or directives shall be effective from the time and
33 in the manner prescribed in such orders and shall be published as soon
34 as practicable in the state bulletin.

35 4. The legislature may terminate by concurrent resolution executive
36 orders issued under this section at any time.

37 § 3. The sum of forty million dollars (\$40,000,000) is hereby appro-
38 priated for transfer by the governor to the general, special revenue,
39 capital projects, proprietary or fiduciary funds of any agency, depart-
40 ment, or authority for services and expenses related to the outbreak of
41 coronavirus disease 2019 (COVID-19). Such funds shall be used for
42 purposes including, but not limited to, additional personnel, equipment
43 and supplies, travel costs, and trainings. A portion of these funds may
44 be made available as state aid to municipalities for services and
45 expenses related to the outbreak of coronavirus disease 2019 (COVID-19).
46 Such funds shall be available for payment of financial assistance here-
47 tofore accrued or hereafter to accrue. Any disbursements from this
48 appropriation shall be distributed pursuant to a plan approved by the
49 director of the budget.

50 § 4. This act shall take effect immediately and sections one and two
51 of this act shall expire and be deemed repealed April 30, 2021.