

# STATE OF NEW YORK

6571

2021-2022 Regular Sessions

## IN ASSEMBLY

March 19, 2021

Introduced by M. of A. DiPIETRO, BRABENEC, SCHMITT, MANKTELOW, ASHBY, HAWLEY, SALKA -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the suspension of laws during a declared state of emergency; and permitting schools to open to students under certain guidelines

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

1 Section 1. Subdivision 4 of section 29-a of the executive law, as  
2 amended by chapter 23 of the laws of 2020, is amended to read as  
3 follows:

4 4. The legislature may terminate by concurrent resolution any execu-  
5 tive [~~orders~~] order, or may modify or amend by concurrent resolution any  
6 specific provision or directive contained within any executive order  
7 issued under this section at any time.

8 § 2. Subdivision 4 of section 29-a of the executive law, as added by  
9 chapter 640 of the laws of 1978, is amended to read as follows:

10 4. The legislature may terminate by concurrent resolution any execu-  
11 tive [~~orders~~] order, or may modify or amend by concurrent resolution any  
12 specific provision or directive contained within any executive order  
13 issued under this section at any time.

14 § 3. Notwithstanding any provision or directive contained in executive  
15 order number 202 of 2020 or any further amendments, modifications or  
16 extensions pursuant to section 28 of the executive law, school districts  
17 or school buildings within such districts, including community school  
18 districts, shall be permitted to open to students for in-person instruc-  
19 tion if such school district can accommodate students in classrooms or  
20 other space provided for instruction such that students can maintain a  
21 distance of at least three feet from others at all times; provided that  
22 such school districts are otherwise in compliance with all other appli-

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

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1 cable provisions of such executive order 202 not related to social  
2 distancing.

3 § 4. Severability. If any clause, sentence, paragraph, section or part  
4 of this act shall be adjudged by any court of competent jurisdiction to  
5 be invalid and after exhaustion of all further judicial review, the  
6 judgment shall not affect, impair or invalidate the remainder thereof,  
7 but shall be confined in its operation to the clause, sentence, para-  
8 graph, section or part of this act directly involved in the controversy  
9 in which the judgment shall have been rendered.

10 § 5. This act shall take effect immediately, provided that the amend-  
11 ments to subdivision 4 of section 29-a of the executive law made by  
12 section one of this act shall be subject to the expiration and reversion  
13 of such section pursuant to chapter 23 of the laws of 2020, as amended,  
14 when upon such date the provisions of section two of this act shall take  
15 effect.