AN ACT to amend the executive law, in relation to revoking the extension of emergency powers granted to the governor related to the outbreak of coronavirus disease 2019

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

Section 1. Paragraph a of subdivision 2 of section 20 of the executive law, as amended by chapter 23 of the laws of 2020, is amended to read as follows:

a. "disaster" means occurrence or imminent, impending or urgent threat of wide spread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, disease outbreak, air contamination, terrorism, cyber event, disease outbreak, blight, drought, infestation, explosion, radiological accident, nuclear, chemical, biological, or bacteriological release, water contamination, bridge failure or bridge collapse.

§ 2. Section 29-a of the executive law, as amended by chapter 23 of the laws of 2020, is amended to read as follows:

§ 29-a. Suspension of other laws. 1. Subject to the state constitution, the federal constitution and federal statutes and regulations, the governor may by executive order temporarily suspend any statute, local law, ordinance, or 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 or if necessary to assist or aid in coping with such disaster. The governor, by executive order, may issue any directive during a state disaster emergency declared in the following instances:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [−] is old law to be omitted.
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1. fire, flood, earthquake, hurricane, tornado, high water, landslide,
mudslide, wind, storm, wave action, volcanic activity, epidemic, disease
outbreak, air contamination, terrorism, cyber event, blight, drought,
infestation, explosion, radiological accident, nuclear, chemical,
biological, or bacteriological release, water contamination, bridge
failure or bridge collapse. Any such directive must be necessary to cope
with the disaster and may provide for procedures reasonably necessary to
enforce such directive.

2. Suspensions pursuant to subdivision one of this section shall be
subject to the following standards and limits[which shall apply to any
directive where specifically indicated]:
   a. no suspension [or directive] 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 governor may extend the
suspension for additional periods not to exceed thirty days each;
   b. no suspension [or directive] shall be made which [is not in the
interest of] does not safeguard the health [or] and welfare of the
public and which is not reasonably necessary to aid the disaster effort;
   c. any such suspension order shall specify the statute, local law,
ordinance, order, rule or regulation or part thereof to be suspended and
the terms and conditions of the suspension;
   d. the order may provide for such suspension only under particular
circumstances, and may provide for the alteration or modification of the
requirements of such statute, local law, ordinance, order, rule or regu-
lation suspended, and may include other terms and conditions;
   e. any such suspension order [or directive] shall provide for the
minimum deviation from the requirements of the statute, local law, ordi-
nance, order, rule or regulation suspended consistent with the [goals of
the] disaster action deemed necessary; and
   f. when practicable, specialists shall be assigned to assist with the
related emergency actions to avoid needless adverse effects resulting
from such suspension.

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

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

§ 3. This act shall take effect immediately, provided however, that
the amendments to paragraph a of subdivision 2 of section 20 of the
executive law made by section one of this act and the amendments to
section 29-a of the executive law made by section two of this act shall
not affect the expiration of such paragraph and such section and shall
be deemed to expire therewith.