

STATE OF NEW YORK

4888

2021-2022 Regular Sessions

IN SENATE

February 17, 2021

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

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:

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

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

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

15 § 29-a. Suspension of other laws. 1. Subject to the state constitu-
16 tion, the federal constitution and federal statutes and regulations, the
17 governor may by executive order temporarily suspend any statute, local
18 law, ordinance, or orders, rules or regulations, or parts thereof, of
19 any agency during a state disaster emergency, if compliance with such
20 provisions would prevent, hinder, or delay action necessary to cope with
21 the disaster ~~[or if necessary to assist or aid in coping with such
22 disaster. The governor, by executive order, may issue any directive
23 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,~~
2 ~~mudslide, wind, storm, wave action, volcanic activity, epidemic, disease~~
3 ~~outbreak, air contamination, terrorism, cyber event, blight, drought,~~
4 ~~infestation, explosion, radiological accident, nuclear, chemical,~~
5 ~~biological, or bacteriological release, water contamination, bridge~~
6 ~~failure or bridge collapse. Any such directive must be necessary to cope~~
7 ~~with the disaster and may provide for procedures reasonably necessary to~~
8 ~~enforce such directive].~~

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

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

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

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

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

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

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

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

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

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