

STATE OF NEW YORK

1602

2023-2024 Regular Sessions

IN SENATE

January 12, 2023

Introduced by Sens. GRIFFO, BORRELLO, GALLIVAN, LANZA, O'MARA, TEDISCO
-- 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 the length of time of
a state disaster emergency declaration, requiring the governor to
transmit a weekly report to the legislature during a state disaster
emergency, and the communication between the governor and parties
affected by a suspension of laws during a state disaster emergency

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

1 Section 1. Subdivision 3 of section 28 of the executive law, as added
2 by chapter 640 of the laws of 1978 and as renumbered by chapter 708 of
3 the laws of 1981, is amended to read as follows:

4 3. The executive order shall include a description of the disaster,
5 and the affected area. Such order or orders shall remain in effect for a
6 period not to exceed [~~six months~~] thirty days or until rescinded by the
7 governor, whichever occurs first, except in accordance with subdivision
8 three of section twenty-eight-b of this article. The governor [~~may~~
9 ~~issue~~] shall request additional orders to extend the state disaster
10 emergency for additional periods not to exceed [~~six months~~] thirty days.

11 § 2. The executive law is amended by adding a new section 28-b to read
12 as follows:

13 § 28-b. Term of state disaster emergency declaration. 1. The period
14 for which a declaration of a state disaster emergency, as defined in
15 paragraph b of subdivision two of section twenty of this article, shall
16 be for no more than thirty calendar days, except in accordance with
17 subdivision three of this section. After the thirty day period, if the
18 governor shall deem it necessary to continue the declaration, he or she
19 shall seek the approval of the senate and the assembly to continue such
20 declaration for an additional thirty days. The governor may seek the

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

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1 approval of the senate and the assembly as many times as is necessary to
2 address a state disaster emergency and to continue such a declaration.

3 2. The governor shall not issue a state disaster emergency declaration
4 for more than thirty days, except in accordance with subdivision three
5 of this section.

6 3. In the event that the governor requests the approval of the senate
7 and the assembly to continue a declaration of a state disaster emergen-
8 cy pursuant to subdivision one of this section, and the legislature is
9 not in session, then the governor shall call upon the temporary presi-
10 dent of the senate and the speaker of the assembly to convene a special
11 session for the purpose of considering legislative authorization for the
12 governor to extend the disaster declaration for an additional thirty
13 days. In the event that the temporary president of the senate and the
14 speaker of the assembly inform the governor that a quorum of both the
15 senate and the assembly cannot be met, or in the event that the tempo-
16 rary president of the senate and/or the speaker of the assembly, due to
17 death or disability, are unable to respond to such request from the
18 governor, then the governor shall have the authority to continue the
19 declaration until such time as the senate and assembly can convene.

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

22 2. Suspensions pursuant to subdivision one of this section shall be
23 subject to the following standards and limits:

24 a. no suspension shall be made for a period in excess of thirty days,
25 provided, however, that upon reconsideration of all of the relevant
26 facts and circumstances, the governor may extend the suspension for
27 additional periods not to exceed thirty days each in accordance with the
28 provisions of subdivisions one and three of section twenty-eight-b of
29 this article;

30 b. no suspension shall be made which does not safeguard the health and
31 welfare of the public and which is not reasonably necessary to the
32 disaster effort;

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

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

40 e. any such suspension order shall provide for the minimum deviation
41 from the requirements of the statute, local law, ordinance, order, rule
42 or regulation suspended consistent with the disaster action deemed
43 necessary; ~~and~~

44 f. when practicable, specialists shall be assigned to assist with the
45 related emergency actions to avoid needless adverse effects resulting
46 from such suspension~~[-]~~; and

47 g. the order may only be issued after the governor has solicited input
48 from and communicated such action to the parties to be affected by such
49 suspension, including but not limited to local governments, individuals,
50 businesses, associations and others who are governed by the suspended
51 law.

52 § 4. The executive law is amended by adding a new section 29-1 to read
53 as follows:

54 § 29-1. Weekly report of governor to the legislature. The governor
55 shall transmit a weekly report on all suspension of laws, all executive
56 actions, all executive decisions, and all communications of the gover-

1 nor, his agencies and affected parties in relation to the state disaster
2 emergency declaration, on a weekly basis. Such report, including all
3 information included in such report, shall be transmitted both electron-
4 ically and by mail or courier to each individual member of the senate
5 and assembly weekly.

6 § 5. This act shall take effect immediately.