

Legislative Bill Drafting Commission
16207-04-0

S. -----
 Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

EXECLA

(Relates to the length of time of a
state disaster emergency declara-
tion)

Exec. disaster emergency; length

AN ACT

to amend the executive law, in
relation to the length of time of a
state disaster emergency declara-
tion, 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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s02 Flanagan	s09 Kaminsky	s25 Montgomery	s23 Savino
s52 Akshar	s55 Funke	s07 Kaplan	s20 Myrie	s32 Sepulveda
s46 Amedore	s59 Gallivan	s26 Kavanagh	s58 O'Mara	s41 Serino
s36 Bailey	s05 Gaughran	s63 Kennedy	s62 Ortt	s29 Serrano
s30 Benjamin	s12 Gianaris	s28 Krueger	s21 Parker	s51 Seward
s34 Biaggi	s22 Gounardes	s24 Lanza	s19 Persaud	s39 Skoufis
s57 Borrello	s47 Griffo	s01 LaValle	s13 Ramos	s16 Stavisky
s04 Boyle	s40 Harckham	s45 Little	s61 Ranzzenhofer	s35 Stewart-
s44 Breslin	s54 Helming	s11 Liu	s48 Ritchie	Cousins
s08 Brooks	s27 Hoylman	s03 Martinez	s33 Rivera	s49 Tedisco
s38 Carlucci	s31 Jackson	s53 May	s56 Robach	s06 Thomas
s14 Comrie	s60 Jacobs	s37 Mayer	s18 Salazar	s50
s17 Felder	s43 Jordan	s42 Metzger	s10 Sanders	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a053 Davila	a128 Hunter	a037 Nolan	a099 Schmitt
a092 Abinanti	a072 De La Rosa	a029 Hyndman	a144 Norris	a076 Seawright
a084 Arroyo	a034 DenDekker	a104 Jacobson	a069 O'Donnell	a052 Simon
a107 Ashby	a003 DeStefano	a097 Jaffee	a051 Ortiz	a036 Simotas
a035 Aubry	a070 Dickens	a011 Jean-Pierre	a091 Otis	a005 Smith
a120 Barclay	a054 Dilan	a135 Johns	a132 Palmesano	a118 Smullen
a030 Barnwell	a081 Dinowitz	a115 Jones	a002 Palumbo	a022 Solages
a106 Barrett	a147 DiPietro	a077 Joyner	a088 Paulin	a114 Stec
a060 Barron	a016 D'Urso	a040 Kim	a141 Peoples-	a110 Steck
a082 Benedetto	a048 Eichenstein	a131 Kolb	Stokes	a010 Stern
a042 Bichotte	a004 Englebright	a105 Lalor	a058 Perry	a127 Stirpe
a079 Blake	a074 Epstein	a013 Lavine	a023 Pheffer	a102 Tague
a117 Blankenbush	a109 Fahy	a134 Lawrence	Amato	a071 Taylor
a098 Brabenec	a061 Fall	a050 Lentol	a086 Pichardo	a001 Thiele
a026 Braunstein	a080 Fernandez	a125 Lifton	a089 Pretlow	a033 Vanel
a138 Bronson	a126 Finch	a009 LiPetri	a073 Quart	a116 Walczyk
a093 Buchwald	a008 Fitzpatrick	a123 Lupardo	a019 Ra	a055 Walker
a142 Burke	a124 Friend	a129 Magnarelli	a006 Ramos	a143 Wallace
a119 Buttenschon	a046 Frontus	a064 Malliotakis	a062 Reilly	a112 Walsh
a094 Byrne	a095 Galef	a130 Manktelow	a087 Reyes	a041 Weinstein
a133 Byrnes	a137 Gantt	a108 McDonald	a043 Richardson	a024 Weprin
a103 Cahill	a007 Garbarino	a014 McDonough	a078 Rivera	a059 Williams
a044 Carroll	a148 Giglio	a146 McMahon	a068 Rodriguez	a113 Woerner
a047 Colton	a066 Glick	a017 Mikulin	a027 Rosenthal, D.	a056 Wright
a032 Cook	a150 Goodell	a101 Miller, B.	a067 Rosenthal, L.	a096 Zebrowski
a085 Crespo	a075 Gottfried	a038 Miller, M. G.	a025 Rozic	a012
a122 Crouch	a021 Griffin	a020 Miller, M. L.	a149 Ryan	a031
a039 Cruz	a100 Gunther	a015 Montesano	a121 Salka	a136
a063 Cusick	a139 Hawley	a145 Morinello	a111 Santabarbara	
a045 Cymbrowitz	a083 Heastie	a057 Mosley	a090 Sayegh	
a018 Darling	a028 Hevesi	a065 Niou	a140 Schimminger	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and: in Assembly 2 copies of memorandum in support, in
Senate 4 copies of memorandum in support (single house); or 4 signed copies
of bill and 8 copies of memorandum in support (uni-bill).

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

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

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

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

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

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

3. In the event that the governor requests the approval of the senate and the assembly to continue a declaration of a state disaster emergency pursuant to subdivision one of this section, and the legislature is

1 not in session, then the governor shall call upon the temporary presi-
2 dent of the senate and the speaker of the assembly to convene a special
3 session for the purpose of considering legislative authorization for the
4 governor to extend the disaster declaration for an additional thirty
5 days. In the event that the temporary president of the senate and the
6 speaker of the assembly inform the governor that a quorum of both the
7 senate and the assembly cannot be met, or in the event that the tempo-
8 rary president of the senate and/or the speaker of the assembly, due to
9 death or disability, are unable to respond to such request from the
10 governor, then the governor shall have the authority to continue the
11 declaration until such time as the senate and assembly can convene.

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

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

17 a. no suspension or directive shall be made for a period in excess of
18 thirty days, provided, however, that upon reconsideration of all of the
19 relevant facts and circumstances, by and with the approval of the senate
20 and the assembly in accordance with the provisions of subdivisions one
21 and three of section twenty-eight-b of this article, the governor may
22 extend the suspension for additional periods not to exceed thirty days
23 each;

24 b. no suspension or directive shall be made which is not in the inter-
25 est of the health or welfare of the public and which is not reasonably
26 necessary to aid the disaster effort;

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

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

8 e. any such suspension order or directive shall provide for the mini-
9 mum deviation from the requirements of the statute, local law, ordi-
10 nance, order, rule or regulation suspended consistent with the goals of
11 the disaster action deemed necessary; [and]

12 f. when practicable, specialists shall be assigned to assist with the
13 related emergency actions to avoid needless adverse effects resulting
14 from such suspension[.]; and

15 g. the order may only be issued after the governor has solicited input
16 from and communicated such action to the parties to be affected by such
17 suspension, including but not limited to local governments, individuals,
18 businesses, associations and others who are governed by the suspended
19 law.

20 § 4. Subdivision 2 of section 29-a of the executive law, as amended 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

1 provisions of subdivisions one and three of section twenty-eight-b of
2 this article;

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

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

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

13 e. any such suspension order shall provide for the minimum deviation
14 from the requirements of the statute, local law, ordinance, order, rule
15 or regulation suspended consistent with the disaster action deemed
16 necessary; [and]

17 f. when practicable, specialists shall be assigned to assist with the
18 related emergency actions to avoid needless adverse effects resulting
19 from such suspension[.]; and

20 g. the order may only be issued after the governor has solicited input
21 from and communicated such action to the parties to be affected by such
22 suspension, including but not limited to local governments, individuals,
23 businesses, associations and others who are governed by the suspended
24 law.

25 § 5. The executive law is amended by adding a new section 29-1 to read
26 as follows:

27 § 29-1. Weekly report of governor to the legislature. The governor
28 shall transmit a weekly report on all suspension of laws, all executive

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

7 § 6. This act shall take effect immediately; provided, however, that
8 the amendments to subdivision 2 of section 29-a of the executive law
9 made by section three of this act shall be subject to the expiration and
10 reversion of such section pursuant to section 4 of chapter 23 of the
11 laws of 2020, as amended, when upon such date the provisions of section
12 four of this act shall take effect.