State of New York

DEC 21 2012

Department of State
Secretary of State

State of New York

Executive Chamber

No. 87

EXECUTIVE ORDER

CONTINUING THE SUSPENSION OR MODIFICATION OF CERTAIN PROVISIONS OF LAW AND REGULATIONS

WHEREAS, on October 26, 2012, I issued Executive Order Number 47, declaring a disaster emergency in all 62 counties in the State of New York; and

WHEREAS, Section 29-a of the Executive Law authorizes the suspension, alteration or modification of statutes, local laws, ordinances, orders, rules or regulations, or parts thereof, if compliance with such provisions would prevent, hinder or delay action necessary to cope with a disaster emergency; and

WHEREAS, on October 31, 2012, I issued Executive Order Number 49 to suspend provisions of law related to vehicle registration; and

WHEREAS, on October 31, 2012, I issued Executive Order Number 50 to, among other things, suspend provisions of the law to facilitate transportation infrastructure recovery; and

WHEREAS, on November 2, 2012, I issued Executive Order Number 56 to suspend and modify regulatory provisions of the State Office for the Aging; and

WHEREAS, on November 2, 2012, I issued Executive Order Number 57 to suspend and modify provisions of the Education Law regarding dialysis services; and

WHEREAS, on November 3, 2012, I issued Executive Order Number 58 to suspend provisions of the Public Health Law and Title 10 of the New York Codes, Rules and Regulations ("NYCRR") regarding the certification of donated water; and

WHEREAS, on November 3, 2012, I issued Executive Order Number 59 to, among other things, suspend statutory and regulatory provisions relating to limitations on motor and home heating fuel; and

WHEREAS, on November 3, 2012, I issued Executive Order Number 60 to suspend and modify statutory provisions relating to the powers of certain security guards; and

WHEREAS, on November 5, 2012, I issued Executive Order Number 64 to suspend and modify statutory and regulatory provisions regarding home health care; and

WHEREAS, on November 7, 2012, I issued Executive Order Number 65 to suspend and modify statutory provisions relating to the transportation of school children in the City of New York; and

WHEREAS, on November 8, 2012, I issued Executive Order Number 66 to suspend and modify statutory and regulatory provisions relating to emergency shelter; and

WHEREAS, on November 8, 2012, I issued Executive Order Number 67 to suspend and modify regulations relating to the Supplemental Nutrition Assistance Program ("SNAP"); and

WHEREAS, on November 9, 2012, I issued Executive Order Number 68 to suspend and modify statutes and regulations to expand access to tetanus immunizations; and

WHEREAS, on November 9, 2012, I issued Executive Order Number 69 to suspend and modify statutory and regulatory provisions relating to payment of fees for duplicate state-issued documents and to extend expiration dates of certain state-issued documents; and

WHEREAS, on November 11, 2012, I issued Executive Order Number 71 to suspend and modify statutory and regulatory provisions relating to services provided to individuals with developmental disabilities, mental illness and alcohol and substance abuse disorders; and

WHEREAS, on November 11, 2012, I issued Executive Order Number 72 to suspend and modify provisions of the Health Law and related provisions of the NYCRR; and

WHEREAS, on November 20, 2012, I issued Executive Order Number 78 to suspend statutory provisions related to child and family welfare, child day care, juvenile justice, runaway and homeless youth, adult protective services, and residential and non-residential care for victims of domestic violence; and

WHEREAS, on November 20, 2012, I issued Executive Order Number 79 to suspend statutory provisions relating to state contracts and the repair of state facilities; and

WHEREAS, on November 20, 2012, I issued Executive Order Number 81 to, among other things, continue the suspension and modification of provisions of law and regulations ordered by Executive Order Numbers 56, 60, 64, 66, 67, 68, 71, 72, 78, and 79 through December 25, 2012, by Executive Order Numbers 49 and 50 through December 30, 2012, by Executive Order Numbers 57 and 58 through January 2, 2013, by Executive Order Number 59 through January 3, 2013, and by Executive Order Number 65 through January 7, 2013; and

WHEREAS, on November 29, 2012, I issued Executive Order Number 82 to suspend and modify certain provisions of the Insurance Law related to licensing of public adjusters; and

WHEREAS, on December 4, 2012, I issued Executive Order Number 85 to continue the suspension of certain provisions of law and regulations ordered by Executive Order Number 69 through January 8, 2013, and to suspend provisions of law relating to fees for duplicate teaching certificates; and

WHEREAS, Section 29-a of the Executive Law provides that no suspension of laws 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 suspension may be extended for additional thirty-day periods; and

WHEREAS, school district taxes for the 2012-2013 school year were due on or about November 10, 2012, in the school districts located within Nassau County; and

WHEREAS, Section 925-a of the Real Property Tax Law authorizes the Governor to extend the period for paying such taxes without interest or penalty upon request of the chief executive officer of an affected county, city, town, village or school district during a State disaster emergency by up to twenty-one days from the final date such taxes are currently due; and

WHEREAS, a request for such an extension has been received by the Governor's Office on behalf of the Franklin Square Union Free School District located in Nassau County; and

WHEREAS, given the difficulties confronting the people of the Franklin Square Union Free School District, such an extension is eminently warranted;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law, and after having reconsidered all of the relevant facts and circumstances, do hereby order the following:

The suspension and modification of statutory and regulatory provisions extended by Executive Order Number 81 shall continue as follows:

1. The suspension and modification of statutory and regulatory provisions ordered by Executive Order Numbers 56, 60, 64, 66, 67, 68, 72 and 79, and which will expire on December 25, 2012, shall continue through January 24, 2013;

2. The suspension of provisions of law ordered by Executive Order Number 71, and which will expire on December 25, 2012, shall continue through January 24, 2013, except that the provision suspending Section 31.27 of the Mental Hygiene Law and any associated regulations, and the provision suspending Sections 633.8, 633.14 and 633.17 of Title 14 of the NYCRR, shall not be continued;

3. The suspension of statutory and regulatory provisions as ordered by Executive Order Number 78, and which will expire on December 25, 2012, shall be continued through January 24, 2013, only for the following:

    a. Parts 441–443, 446–449 and 451 of Title 18 of the NYCRR, except with respect to timeframes for completing specified services or activities other than the timeframes related to completing casework contacts and certifying, approving or renewing certifications or approvals of foster family boarding homes;

    b. Part 443 of Title 18 of the NYCRR;

    c. Subdivision (2) of Section 390, subdivision (3) of Section 390-a, and subdivision (2) of Section 461-b of the Social Services Law, except that the suspension shall no longer apply to municipalities, runaway and homeless youth programs, and residential programs for victims of domestic violence;

    d. Section 459-b of the Social Services Law and Sections 408.6, 452.9, 454.5 and 455.4 of Title 18 of the NYCRR;

    e. Sections 427.1, 427.7 and 427.9 of Title 18 of the NYCRR;

    f. Paragraph (a) of subdivision (2) of Section 153-k and Section 398 of the Social Services Law and associated regulations, except that the suspension shall no longer apply to congregate foster care facilities;

    g. Paragraph (p) of subdivision (6) of Section 398 and subdivisions (1), (5) and (7) of Section 409-a of the Social Services Law and paragraph (16) of subdivision (b) of Section 423.2, subdivision (b) of Section 423.4, subdivisions (c) through (j) of Section 430.9 and Section 435.5 of Title 18 of the NYCRR; and

    h. Part 404 of Title 18 of the NYCRR, except that the suspension shall no longer apply to the timeframes for making eligibility and service authorization determinations and redeterminations for social services;

4. The suspension of statutory provisions ordered by Executive Order Numbers 49 and 50, and which will expire on December 30, 2012, shall continue through January 29, 2013;

5. The suspension and modification of statutory and regulatory provisions ordered by Executive Order Numbers 57 and 58, and which will expire on January 2, 2013, shall continue through February 1, 2013;

6. The suspension of Section 19-0325 of the Environmental Conservation Law and regulations promulgated thereunder relating to limits on the sulfur content of heating oil sold in New York ordered by Executive Order Number 59, and which will expire on January 3, 2013, shall continue through January 18, 2013;

7. The suspension of provisions of law ordered by Executive Order Number 65, and which will expire on January 8, 2013, shall continue through February 7, 2013;

The suspension and modification of provisions of law ordered by Executive Order Number 82, which will expire on December 29, 2012, shall continue through January 28, 2013.

The suspension and modification of provisions of law extended or ordered by Executive Order Number 85 shall continue as follows:

1. The suspension of provisions of law ordered by Executive Order Number 69 and which will expire on January 8, 2013, shall be continued through February 7, 2013, except the suspension of laws relating to the Department of Taxation and Finance shall not be continued;

2. The suspension of subdivision 2 of Section 3006 of the Education Law which will expire on January 3, 2013, shall be continued through February 2, 2012; and

FURTHER, by virtue of the authority vested in me by Section 925-a of the Real Property Tax Law, I do hereby retroactively extend the period for paying without interest or penalty the school district taxes that were due on or about November 10, 2012, in the Franklin Square Union Free School District in Nassau County, to December 1, 2012.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-first day of December in the year two thousand twelve.

BY THE GOVERNOR

Secretary to the Governor