State of New York

JAN 25 2013

Department of State
Secretary of State

State of New York

Executive Chamber

No. 91

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 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 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 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 New York Codes, Rules and Regulations ("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 64, 67, 71, 72, 78, and 79 through December 25, 2012, by Executive Order Numbers 49 and 50 through December 30, 2012, and by Executive Order Number 65 through January 7, 2013; 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, on December 21, 2012, I issued Executive Order Number 87 to, among other things, continue the suspension and modification of certain provisions of law and regulations ordered by Executive Order Numbers 49, 50, 64, 65, 67, 71, 72, 78 and 79 as continued by Executive Order Number 81, to continue the suspension and modification of certain provisions of law and regulations ordered by Executive Order Number 69 as continued by Executive Order Number 85, and to continue the suspension of a provision of the Education Law ordered by Executive Order Number 85; 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, property taxes for calendar year December 1, 2011, through November 30, 2012, were due on or about January 10, 2013, in Suffolk 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, as a result of ongoing disruptions related to the disaster emergency, Suffolk County has requested an extension of the period for paying without interest or penalty property taxes that were otherwise due on or about January 10, 2013; and

WHEREAS, given the difficulties continuing to confront the people of Suffolk County, 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:

1. The suspension and modification of statutory and regulatory provisions ordered by Executive Order Numbers 64, 67, 71, 72, 78 and 79, to the extent continued by Executive Order Numbers 81 and 87, that will expire on January 24, 2013, shall continue through February 23, 2013, except as follows:

    a. The provision of Executive Order Number 64 modifying Articles 28-E and 36 of the Public Health Law, Article 139 of the Education Law and any associated regulations to allow home health agencies not approved to operate in New York State to provide services pursuant to a contract with the Federal Emergency Management Agency ("FEMA"), shall not be continued;

b. The provisions of Executive Order Number 72, suspending subdivision (3) of Section 3332, subdivision (1) of Section 3333 and subdivision (3) of Section 3339 of the Public Health Law and any associated regulations relating to the dispensing of controlled substances by licensed practitioners and pharmacists, and Subpart 58-1 of Title 10 of the NYCRR relating to the ability of the Commissioner of Health to issue provisional permits to laboratories or blood banks for the purpose of conducting permitted categories of tests at alternate locations or conducting categories of tests not listed in the laboratory's permit, shall not be continued;

c. The provision of Executive Order Number 78 suspending Subdivision (2) of Section 390 of the Social Services Law and associated regulations relating to providers' compliance with timeframes for submitting renewal application materials and completing activities required for child day care programs, shall be continued, but no other provisions of Executive Order Number 78 shall be continued;

2. The suspension of statutory provisions ordered by Executive Order Numbers 49 and 50, as continued by Executive Order Numbers 81 and 87, that will expire on January 29, 2013, shall continue through February 28, 2013;

3. The suspension of subdivision 2 of Section 3006 of the Education Law ordered by Executive Order Number 85, as continued by Executive Order Number 87, that will expire on February 2, 2013, shall be continued through March 3, 2013;

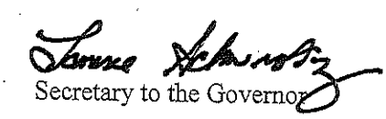
4. The suspension of provisions of law ordered by Executive Order Number 65, as continued by Executive Order Numbers 81 and 87, that will expire on February 7, 2013, shall continue through March 9, 2013;

5. The suspension of provisions of law ordered by Executive Order Number 69, as continued by Executive Order Numbers 85 and 87, that will expire on February 7, 2013, shall be continued through March 9, 2013; 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 property taxes that were due on or about January 10, 2013, in Suffolk County for twenty-one days from the final date such taxes are currently due.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-fifth day of January in the year two thousand thirteen.

BY THE GOVERNOR



Secretary to the Governor