

**Reinvent  
Albany.**

# Executive Orders

**Actions the Governor can take to make New York government more open, accountable and democratic.**

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## INTRODUCTION

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Executive Orders: A governor's declaration which has the force of law, and does not require legislation to take effect.

November 2010

### **Executive Orders Actions the Governor can take to make New York government more open, accountable and democratic**

Like all New Yorkers, we wish Governor-elect Cuomo good luck as he tackles the state's enormous problems. In this report we offer eleven model executive orders for the Governor to use to promote more open, accountable and democratic New York State government. Our model orders have been endorsed by leading civic and public interest groups. They are pragmatic, innovative, and offer the governor an opportunity to show New Yorkers that rapid, positive, change is achievable.

Much of Governor Cuomo's political energy will be spent grinding out a tough, probably frustrating, budget with the state Legislature. The fiscal crisis is not an accident. It is the direct result of New York having an unaccountable and often irresponsible state government. Few New Yorkers know what their government is doing. Even experts have trouble deciphering the convoluted budget, or keeping track of last minute legislation. That's by design. Our ignorance is Albany's bliss. We the people can't hold our government accountable if we don't know what it is doing. That has to change.

Governor-elect Cuomo has pledged to reform Albany. We hope he does. He can start by issuing the eleven model orders in this report. They are tools designed to empower the citizenry, and the Governor. Some orders use the internet to open up

government information and track what agencies are doing; others create a more transparent budget process; and others reduce, barriers to voting. All of them are crafted to be cost-effective, and result in large public benefits.

We hope our report inspires both immediate action, and more innovative thinking about the significant potential of executive orders to promote better government. Along with the model orders, our report includes important new research by noted New York government scholar Gerald Benjamin. He documents the evolution of executive powers in New York, their modern use, and important findings on the limits on the Governor's authority to use them to reorganize state agencies.

We urge Governor-elect Cuomo to use these model orders, and this report, as part of a wider public campaign to reinvent New York State government, and to make it more open, accountable and democratic.

Sincerely,  
John Kaehny  
Executive Director, Reinvent Albany

P.S. Special thanks to my co-authors for their hard work, innovative thinking, and tireless advocacy for New York.

## EXECUTIVE SUMMARY

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### Eleven Model Orders Governor-Elect Cuomo Can Use To Launch His Reform Efforts

This report includes eleven model executive orders that Governor-elect Andrew Cuomo can use to open up New York State government, increase the accountability of state agencies and reduce barriers to voting. The orders are centered on the basic goal of empowering the citizenry with more and better information about what its government is doing, and how it is spending tax payer dollars. During his campaign, Governor-elect Cuomo pledged to make fundamental reforms to end the dysfunction in Albany. These model orders are specific, realistic actions he can use to launch his reform efforts.

### The Governor Has The Power To Make Government More Open and Accountable

Executive orders are formal instructions and policies the governor can issue unilaterally to the state agencies under his control. As our report makes clear, under the New York constitution, the Governor has broad powers to use executive orders to make state government more open and cost effective. In particular, the advent of the Internet has created enormous opportunities to save money by making government more transparent to the public. Even within areas where the Governor's authority is constrained by the Constitution, he can still use executive orders to create meaningful reforms. For instance, the Governor can make the budget process more transparent and rational. Broad as the Governor's executive order powers are, there are clear constraints; among them, the Governor has a limited ability to reorganize state agencies established through legislation.

### New Scholarship Which Describes The Evolution and Extent of Executive Order Powers

In addition to the eleven model orders, our report includes news scholarship by Gerald Benjamin which describes the evolution, recent use and limits of executive orders. Professor Benjamin recommends granting the Governor new reorganization authority using New Jersey as a model.

## Extensive Resource Section with a Description of All Orders Dating to Rockefeller

The report also includes an extensive Resource section. Here, numerous tables and charts document and describe executive orders dating back to Nelson Rockefeller. This section provides valuable context for our proposed model orders, and suggest that innovative and energetic governors can use their executive order powers to great effect.

## Executive Orders Which Promote Openness, Accountability, Ethics Reform, and Voting

Our report includes four chapters containing eleven executive orders. The chapters address the following issues:

- Open Up New York State Government Using the Internet
- Increase the Accountability of State Government
- Strengthen Ethics Reform
- Expand the Franchise and Improve the State's Election Performance

The model orders are diverse in scope and intent. But all of them are intended to help the citizenry better understand and participate in their government, and thus help bring about more open, accountable and effective government.

## ACKNOWLEDGEMENTS

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Executive Orders represents the positions of Reinvent Albany and NYPIRG. Additional organizations and individuals have endorsed individual model executive orders within the report, and they are identified at the end of each model order.

### DISCLAIMER

Executive Orders represents the position of The Brennan Center for Justice at NYU Law School other than the model executive order on dedicated funds, as this issue falls outside the organization's expertise and mission. As a matter of general practice, the Center for Research, Regional Education and Outreach (CRREO) at SUNY New Paltz does research on public policy, and identifies alternatives and best practices, but takes no institutional position on policy proposals

We gratefully acknowledge the comments and suggestions that many of the endorsing organizations provided.

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[www.brennancenter.org](http://www.brennancenter.org)

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# Part I

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## MODEL EXECUTIVE ORDERS

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2. Put All Non-Personal State Digital Data on the Internet
3. Put Public Meeting Presentations Online, Before and After Meetings
4. Create a More Rational and Open Budget Process
5. End the Diversion of Dedicated Funds with A “Governor’s Locked Box”
6. Increase Agency Accountability with A Web-Based “Governor’s Performance Initiative”
7. Impose Stronger Ethics Rules for Executive Branch Employees
8. Automate the State’s Voter Registration
9. Simplify the Restoration of Voting Rights
10. Create a Task Force to Improve Elections
11. Create a Task Force to Improve Ballot Design

# Chapter 1

## OPENING UP NEW YORK STATE GOVERNMENT

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“A free society is maintained when government is responsive and responsible to the public, and when the public is aware of governmental actions.”

Legislative Declaration, New York State Freedom of  
Information Law

In this chapter, we offer two model executive orders intended to make it much easier for New Yorkers to find and see the vast repository of state digital records.

# SUMMARY OF MODEL EXECUTIVE ORDERS

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## **INTERNET PUBLICATION OF FREEDOM OF INFORMATION LAW RESPONSES**

In this order, the governor instructs agencies to post non-personal responses to Freedom of Information Law (FOIL) on their Web sites. This is a form of “crowdsourcing,” which means that everyone can see the answers to non-personal questions, not just the person asking them. This order is intended to bring important government records to the attention of the whole public, not just those who happen to ask the right questions. All we are requesting here is that the Web be used to fulfill the spirit of FOIL.

## **INFORMATION TRANSPARENCY**

Here, the governor orders agencies to post on the Web all non-personal digital records that are disclosable under FOIL. These records must be Web-searchable, and in a common digital format. In other words, agencies are being ordered to proactively open up their digital data instead of waiting for it to be requested. New York State’s expansive Freedom of Information Laws encompass about 80 percent of all state agency information. Yet, despite 18,000 FOIL requests a year, only a tiny fraction of available information is actually seen by the public. This order would change that, and it would open up government information to the public, making it easier for agencies to find and use the wealth of information available within the entire executive branch.

## **ADVANCE DISCLOSURE AND ARCHIVING OF INFORMATION**

Presented at Public Meetings: This order requires agencies to post presentation materials on the internet at least 12 hours before public meetings, and to permanently post on the internet all documents, slideshows, video, maps the agency has presented at this meetings. It grants an exception from the advance notice, but not archiving requirement for press conferences and other presentations scheduled with less than one days notice. It requires all records to be web searchable and downloadable in a common format.

The model orders we propose here are attempts to fulfill the spirit of FOIL using modern technologies. Despite a recent revision, New York’s land mark Freedom of Information Law is still grounded in the era of paper record keeping. We believe the advent of the web and new information technologies calls for a much more pro-active approach to making government information available. The legislative declaration accompanying New York’s landmark Freedom of Information Law articulates what is under the law, the “official” openness philosophy of New York State.

A free society is maintained when government is responsive and responsible to the public, and when the public is aware of governmental actions. The more open a government is with its citizenry, the greater the understanding and participation of the public in government.

As state and local government services increase and public problems become more sophisticated and complex and therefore harder to solve, and with the resultant increase in revenues and expenditures, it is incumbent upon the

state and its localities to extend public accountability wherever and whenever feasible.

The people's right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality. Government is the public's business, and the public, individually and collectively and represented by a free press, should have access to the records of government in accordance with the provisions of this article.

Our orders attempt to bridge the gap between these sentiments and the current practice of requiring citizen's to take action to get information, rather than having government provide that information as a matter of course.

# SUMMARY OF CURRENT OPENNESS LAWS

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## Freedom of Information Law

New York State's Freedom of Information Law (FOIL) is monitored by the Committee on Open Government. The FOIL covers all units of state and local government in New York State, including state agencies, public corporations and authorities, as well as any other governmental entities performing a governmental function for the state or for one or more units of local government in the state.<sup>1</sup> FOIL covers all state "records," unless they fall into one of nine distinct categories, including: records that are specifically exempted under law; would, if disclosed, constitute an "unwarranted invasion of personal privacy; impair law enforcement or judicial proceedings; or put someone's safety in danger."<sup>2</sup>

FOIL's requirements do not cover the courts and has a separate section that applies to the State Legislature. Both have their own disclosure requirements.

### DENIAL OF ACCESS TO RECORDS

Within five business days of the receipt of a written request for a record, the state agency must respond either by making the record available, denying access with the reasons for denial, or give a date when the request will be granted or denied (this date typically cannot exceed 20 business days).

Unless a denial of a request occurs due to a failure to respond in a timely manner, a denial of access must be in writing, stating the reason for the denial and advising of the right to appeal the denial, within 30 days of the denial.

Upon receipt of the appeal, the agency has 10 business days to decide to disclose the record or to deny disclosure. Copies of appeals and the determinations must be sent by the agency to the Committee on Open Government.<sup>3</sup>

Rejection can be challenged in court under Article 78 of the Civil Practice Law and Rules. When a denial is based upon one of the exceptions to rights of access that were discussed earlier, the agency has the burden of proving that the record sought falls within one or more of the exceptions.<sup>4</sup>

The Freedom of Information Law permits a court, in its discretion, to award reasonable attorney's fees to a person denied access to records. To do so, a court must find that the person denied access "substantially prevailed", and either that the agency had no reasonable basis for denying access or that it failed to comply with the time limits for responding to a request or an appeal.

### FEES

Copies of records must be made available on request. Except when a different fee is prescribed by statute, an agency may not charge for inspection, certification or search for records, or charge in excess of 25 cents per photocopy up to 9 by 14 inches. Fees for copies of other records may be charged based upon the actual cost of reproduction.<sup>5</sup>

In 2008, a new law allowed for a new fee. If retrieval of an electronic record requires at least two hours of an employee's time, an agency can charge a fee based on the cost of the storage medium used, as well the hourly salary of the lowest paid employee who has the skill needed to do so. In addition, the agency can charge the actual cost of engaging a private professional service to retrieve a record if the agency's information technology equipment is incapable of preparing a copy.<sup>6</sup>



## Open Meetings Law

The Open Meetings Law (OML) covers meetings of government bodies, meaning “any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body of such public body.”<sup>7</sup>

The OML states that a “meeting” is a gathering of a majority, a quorum, of the members of a public body for the purpose of conducting public business, even if there is no intent to take action, and irrespective of the manner in which the gathering is characterized. A meeting may involve either physical convening of a majority of the members or a virtual convening accomplished by videoconferencing. Members of a public body cannot be counted as part of a quorum nor can they vote by phone, proxy or email.<sup>8</sup>

The OML gives the public the right “to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy.”<sup>9</sup>

## CLOSED MEETINGS

The OML is based on a presumption of openness and requires that meetings be conducted open to the public, except in two circumstances. First, if the meeting is exempt under state or federal law. The second exception involves executive sessions, and the OML defines the term “executive session” to mean a portion of an open meeting during which the public may be excluded. Before entering into executive session, a motion to do so must be made in public indicating the subject or subjects to be discussed, and it must be carried by a majority of the total membership, notwithstanding absences or vacancies. Perhaps most importantly, the OML specifies and limits the grounds for entry into executive session. A public body may vote during an executive session, unless the vote is to appropriate public money.<sup>10</sup>

# Model Executive Order

## INTERNET PUBLICATION OF FREEDOM OF INFORMATION LAW RESPONSES

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**WHEREAS**, New York's Freedom of Information Law (FOIL), first enacted in 1977, has served as a critical tool with which the public has gained access to the records of state and local governmental entities;

**WHEREAS**, FOIL requests and responses of a non-personal nature are themselves subject to disclosure;

**WHEREAS**, the general public has a compelling interest in and a recognized right to view governmental records of a non-personal nature;

**WHEREAS**, advances in technology have enhanced the capacity of governmental entities to provide access to and widely disseminate public information; and

**WHEREAS**, governmental transparency can lead to efficiency and the elimination of waste, thereby contributing to the reduction of State budgetary pressure.

**NOW, THEREFORE, I**, [NAME], Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

### A. DEFINITIONS

1. "Agency" shall mean any state department, board, bureau, division, commission, committee, public authority, public corporation, council or office, or any other governmental entity performing a governmental or proprietary function for the state, except the judiciary or the state legislature.
2. "Record" shall mean any information kept, held, filed, produced or reproduced by, with or for an Agency, in any physical form whatsoever, a copy of which can reasonably be stored on an electronic data system for public access, including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.

3. “Personal Identifying Information” shall mean a social security number, a driver’s license number, a mother’s maiden name, a consumer credit account number or code, a savings account number or code, a checking account number or code, or a debit account number or code, or any other identifying information that corresponds to a specific individual.
4. “Information of a Personal Nature” shall mean any information covered by Section 89(2)(b) of the Public Officers Law, the release of which would constitute unwarranted invasion of personal privacy.
5. “Public Body” shall mean any entity for which a quorum is required in order to conduct public business, which consists of two or more members, and which performs a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or for a committee or subcommittee or other similar subdivision of such an entity, or for any entity consisting of two or more members created by executive order of the governor. A “Public Body” shall also include any advisory committee to a Public Body.
6. “Non-Personal” shall mean containing no “Personal Identifying Information” or “Information of a Personal Nature.”
7. “Web-Searchable” shall mean posted digitally online in a location that is easily discoverable and indexable by major search engines, along with well-formed HTML descriptive content and metadata.
8. “Digitally Readable” shall mean in common, freely available, digital format that can be used in commonly based tools and software libraries and which can be read using commonly available word processing, spreadsheet, image management or geospatial software, as appropriate. For text-based content to be considered “Digitally Readable,” it must be released in ASCII or Unicode formats and not as scanned images.
9. “Downloadable” shall mean stored as digital files which can be transferred from an agency website to a member of the public via the Internet without any impedance (i.e., requiring no passwords or account registration).

## **B. PRESUMPTIVE DISCLOSURE OF RECORDS DISCLOSED UNDER FOIL**

1. All Agencies will post Non-Personal Records that they have disclosed in response to FOIL requests on the Agency Web site in a Web-Searchable, Digitally Readable and Downloadable format.
2. All FOIL records posted pursuant to this order will include the date of the FOIL request, the date of the response to the petitioner and the date that the disclosed record was posted.
3. All FOIL records posted pursuant to this order will include a copy of the FOIL request that prompted the disclosure. However, the name, address or other Personal Identifying Information that identifies the person or organization that requested the information will not be disclosed.
4. All Agencies will post on their Web sites a directory of all FOIL requests they have received, the date of the request, the nature of the request, the date of the response, the nature of the response, the date of the disclosure and a link to any records disclosed. This directory will itself be a Digitally Readable and Downloadable file.
5. The executive director of the Committee on Open Government shall issue FOIL guidelines to the heads of executive departments and Agencies, clarifying any issues raised by this order.

## **C. PRESUMPTIVE FOIL DISCLOSURE IMPLEMENTATION SCHEDULE**

1. Within ninety days, the Chief Information Officer of the Office for Technology, in consultation with the Committee on Open Government and the CIO Council, shall establish a mechanism for implementing this order.
2. Within one hundred eighty days: every Agency shall presumptively disclose Non-Personal FOIL disclosures pursuant to this order and to the mechanism established by the CIO/OFT. Every Agency shall make available on its website:
  - A list of all Records that are made available via the internet pursuant to this order, for which there is a substantial public interest in electronic access, as determined by the volume of requests for such Records under FOIL and other information indicating public interest, shall be made available.

4. Unless an Agency is explicitly required by law to post Personal Identifying Information on the Internet, an Agency shall remove Personal Identifying Information from any image or copy of a record placed on such Agency's Web site or any Web site used by such Agency to display or otherwise make available Records to the general public.
5. Nothing in this section shall require an Agency to provide access to Records to a greater extent than required for such Records by Article 6 of the Public Officers Law. Nothing in this section shall be construed as authorizing access to or disclosure of any Records when such action would be prohibited by Article 6-A of the Public Officers Law.
6. The Office for Technology, the State University of New York, the New York State Archives and other Agencies shall provide such information and assistance as the executive director of the Committee on Open Government shall require in implementing this order.

## **D. PENALTIES**

1. Any violation of this order may result in dismissal or other appropriate sanction as determined by the appointing authority of the individual committing such violation.

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The model executive order on **Internet Publication of Freedom of Information Law Responses** is endorsed by the following groups:

- Brennan Center for Justice at NYU Law School
- Citizens Union of the City of New York
- Gerald Benjamin
- League of Women Voters of New York State
- New York Public Interest Research Group
- Reinvent Albany

# Model Executive Order

## INFORMATION TRANSPARENCY: POSTING STATE DIGITAL DATA ON THE INTERNET

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**WHEREAS**, the people's right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society;

**WHEREAS**, government is the public's business and the public, individually and collectively, should have access to the records of government;

**WHEREAS**, freely sharing government records encourage internal collaboration and efficiency within government;

**WHEREAS**, employees of New York State government agencies have asserted in public forums that they must file Freedom of Information Law requests to access routine information from their own and other state agencies in the course of their public work;

**WHEREAS**, the New York State Freedom of Information Law, and attendant case law and opinions, provide comprehensive privacy and security protection by exempting the disclosure of certain kinds of records;

**WHEREAS**, advances in technology, especially the web and internet, allow large volumes of state digital records to be searched and made publicly available at little cost;

**WHEREAS**, New York State government sends significant resources responding to Freedom of Information Law requests for information which already exist in digital form;

**NOW, THEREFORE, I**, [NAME], Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

### A. DEFINITIONS

1. "Agency" means any state department, board, bureau, division, commission, committee, public authority, public corporation, council, office or other governmental entity performing a governmental or proprietary function for the state, except the judiciary or the state legislature.

2. “Record” means any information kept, held, filed, produced or reproduced by, and that can reasonably be stored on an electronic data system for public access with or for an agency in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.
3. “Personal identifying information” means a social security number, a driver’s license number, mother’s maiden name, a consumer credit account number or code, a savings account number or code, a checking account number or code, or a debit account number or code.
4. “Freedom of Information Law” means FOIL, and NY State Freedom of Information Law Public Officers Law Article 6, Sections 84-90 PUBLIC OFFICERS LAW, ARTICLE 6.
5. “Information of a personal nature” means records defined in detail in Section 2.a.b of the Freedom of Information Law, whose release would constitute unwarranted invasion of personal privacy.
6. “Public body” means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body of such public body, and any entity consisting of two or more members created by executive order of the governor. A public body shall also include any advisory committee to a public body.
7. “Web-Searchable” means must content be posted online in a location that is easily discoverable and indexable by major search engines, along with well formed HTML descriptive content and metadata.
8. “Digitally Readable” means content must be published in common, freely available, standards that can be used in commonly based tools and software libraries. Text based content must be released in ASCII or Unicode formats and not as scanned images.
9. “Downloadable” means digital files which can be transferred from [an] agency website to a member of the public via the internet without any impedance (e.g. neither passwords nor account registration).

## **B. USE INFORMATION TECHNOLOGY TO MAXIMIZE PUBLIC ACCESS TO STATE RECORDS**

1. The governor reaffirms the findings of the New York State Freedom of Information Law, NY State Freedom of Information Law Public Officers Law Article 6, Sections 84-90 PUBLIC OFFICERS LAW, ARTICLE 6 and orders all agencies subject to his authority to use available information technology, including the Internet and Web, to maximize the public access to the digital records and information in the possession of New York State executive agencies and all other government entities subject to the governor's control.
2. The specific instructions in this order are the minimum data disclosure requirements that agencies should comply with; nothing in this order should constrain an agency from more rapid or more complete public disclosure of their digital records, other than the specific provisions of FOIL that hold certain records to be non-disclosable, and any specific exceptions to disclosure cited in this order.

## **C. PROACTIVE DISCLOSURE OF DIGITAL DATA SUBJECT TO RELEASE UNDER FOIL**

1. All state agencies are directed to proactively post on the Web, in a machine readable, common digital standard format, all digital records and data they possess subject to public disclosure under the New York State Freedom of Information Law, with the following exceptions:
  - electronic mail between state employees shall not be posted online
  - electronic mail between state employees and the public shall not be posted only

## **D. ENSURE THE STATE'S DIGITAL INFORMATION CAN BE FOUND AND USED**

1. Going forward, agencies shall post all digital data on the Internet in a machine readable, machine searchable and common standard format, which shall be searchable by common web based search engines; all data shall be downloadable in non-proprietary software formats such as text, CSV, XML, KML(geo).

## **E. PUBLIC ACCESS TO STATE DATABASES**

1. State agencies shall provide direct public access to sections of state databases which contain data subject to release under FOIL, and make those sections of databases machine searchable and downloadable.



2. If an agency concludes a database cannot be made secure, it shall provide the Committee on Open Government and CIO/OFT with an explanation in writing specifying its security concerns, and in consultation with those agencies, shall determine whether to open the database to public access.

## **F. PUBLICLY TRACKING THE PROGRESS OF DATA DISCLOSURE EFFORTS**

1. The CIO/OFT shall establish an online tracking system, which uses an easy to read graphic display, such as a “dashboard,” to track the progress agencies have made posting FOIL disclosable data online; each agency shall have a data disclosure web page which tracks progress in detail.

## **G. IMPLEMENTATION OF THE INFORMATION TRANSPARENCY INITIATIVE**

1. Agencies shall create a comprehensive listing of all digital records, and classify those records in three categories and supply this information to the Committee on Open Government and CIO/OFT:
  - i. subject to disclosure under FOIL
  - ii. uncertain whether records subject to disclosure under FOIL due to personal privacy, intellectual property or other proprietary or security concerns
  - iii. not disclosable under FOIL due to known personal privacy, intellectual property or other proprietary or security concerns
2. In conjunction with CIO/OFT, agencies shall establish a schedule for the proactive disclosure of all digital records subject to FOIL; the schedule shall include the following:
  - Within 180 days of this order, 25% of all disclosable digital records shall be disclosed.
  - Within 360 days of this order, 50% of all disclosable digital records shall be disclosed.
  - Within 720 days of this order 100% of all disclosable digital records shall be disclosed.
3. With the assistance of the Committee on Open Government, agencies shall chart the number of FOIL requests, and other public and interagency requests for information, received by each type of digital records.
4. Agencies shall disclose data sets and groups of digital records based on which records receive the greatest number of requests for disclosure, or for which there is the greatest demand from other agencies.

## H. COMMITTEE ON OPEN GOVERNMENT GIVEN AUTHORITY TO RULE ON RECORD DISCLOSURE

1. The Committee on Open Government shall have the authority to determine for agencies whether records should be classified as disclosable under FOIL.

## I. PENALTIES

1. Any violation of this order may result in dismissal or other appropriate sanction as determined by the appointing authority of the individual committing such violation.

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### FOOTNOTES

- 1 Public Officers Law (POL), section 86 (3).
- 2 POL, section 87 (2).
- 3 POL, section 89 (4)(a).
- 4 POL, section 89 (4)(b).
- 5 POL, section 87(1)(b)(iii)
- 6 POL, section 87(1)(c)
- 7 POL, sections 100-111
- 8 POL, section 102 (2)
- 9 POL, section 100.
- 10 POL, section 105

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The model executive order on **Information Transparency: Posting State Digital Data on the Internet** is endorsed by the following groups:

- Brennan Center for Justice at NYU Law School
- Citizens Union of the City of New York
- Gerald Benjamin
- League of Women Voters of New York State
- New York Public Interest Research Group
- Reinvent Albany

# Model Executive Order

## ADVANCE DISCLOSURE AND ARCHIVING OF INFORMATION PRESENTED AT PUBLIC MEETINGS

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**WHEREAS**, executive agencies conduct thousands of public meetings annually which are required by the state Open Meetings Law (OML) to be open to the public;

**WHEREAS**, executive agencies and their consultants present important, and often complex, information to the public at those meetings, in a variety of formats;

**WHEREAS**, members of the public often do not have advance access to the information which is presented at these meetings, and are thus unable to adequately prepare or fully understand the contents of what is being presented;

**WHEREAS**, information and records presented at public meetings are not typically made available on the Internet after the meeting, or maintained in an easily accessible, archived form for an extended period after the meeting;

**WHEREAS**, the internet provides an inexpensive, widely available method of sharing government records and information;

**WHEREAS**, increasing the public availability of the records and information presented at public meetings increases government openness and reflects the principals established in the Open Meetings Law and Freedom of Information Law;

**NOW, THEREFORE, I**, [NAME], Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

## **Model Executive Order**

### **ADVANCE DISCLOSURE AND ARCHIVING OF INFORMATION PRESENTED AT PUBLIC MEETINGS**

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## **A. DEFINITIONS**

1. “Agency” shall mean any state department, board, bureau, division, commission, committee, public authority, public corporation, council or office, or any other governmental entity performing a governmental or proprietary function for the state, except the judiciary or the state legislature.
2. “Record” shall mean any information kept, held, filed, produced or reproduced by, with or for an Agency, in any physical form whatsoever, a copy of which can reasonably be stored on an electronic data system for public access, including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.
3. “Personal Identifying Information” shall mean a social security number, a driver’s license number, a mother’s maiden name, a consumer credit account number or code, a savings account number or code, a checking account number or code, or a debit account number or code, or any other identifying information that corresponds to a specific individual.
4. “Web-Searchable” shall mean posted digitally online in a location that is easily discoverable and indexable by major search engines, along with well-formed HTML descriptive content and metadata.
5. “Digitally Readable” shall mean in common, freely available, digital format that can be used in commonly based tools and software libraries. Text-based must be released in ASCII or Unicode formats and not as scanned images.
6. “Downloadable” shall mean stored as digital files which can be transferred from an agency website to a member of the public via the Internet without any impedance (i.e., requiring no passwords or account registration).

## **B. POSTING PRESENTATION MATERIALS ON THE INTERNET 12 HOURS PRIOR TO THE PUBLIC MEETING**

1. Agencies, their consultants and anyone presenting information to the public on behalf of the agencies, shall post on the Internet all documents, slideshows, videos, maps and any other records which exist in a written, digital, graphic or video form, which will be presented in an open meeting at least 12 hours prior to that meeting;

## Model Executive Order

### ADVANCE DISCLOSURE AND ARCHIVING OF INFORMATION PRESENTED AT PUBLIC MEETINGS

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2. Agencies shall not have to post such information in advance of press conferences or other public meetings scheduled with less than one week notice;
3. If agencies are unable to post such presentation documents or items in advance, they shall post a specific written explanation on their websites.
4. Agencies shall keep a record of all public meetings, and what number of those meetings they posted presentation materials in advance of, this record shall be updated monthly and shall be viewable on the agency website.
5. Agencies shall post these records in a web-searchable and digitally readable format.

### C. PRESENTATION MATERIALS SHALL BE ARCHIVED ON AGENCY WEB-SITES

1. Agencies, shall post a permanent archive of all documents, slideshows, videos, maps and any other records which exist in a written or graphic form, which have been presented in an open meeting, public event, press conference on their behalf, by their staff, consultants and anyone else representing the agency;
2. Agencies shall post this archival information on their websites within 48 hours of when it was presented at an open meeting;
3. Agencies shall post these records in a web-searchable and digitally readable format.

### D. PENALTIES

Any violation of this order may result in dismissal or other appropriate sanction as determined by the appointing authority of the individual committing such violation.

.....  
The model executive order on **Advance Disclosure and Archiving of Information Presented at Public Meetings** is endorsed by the following groups:

- Brennan Center for Justice at NYU Law School
- Citizens Union of the City of New York
- Gerald Benjamin
- League of Women Voters of New York State
- New York Public Interest Research Group
- Reinvent Albany

# Chapter 2

## INCREASING ACCOUNTABILITY

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“It is incumbent upon the state to extend public accountability wherever and whenever feasible.”

Legislative Declaration,  
New York State Freedom of Information Law

In this chapter we propose three model executive orders. Our goal here is to make state government more accountable to the public, by making the budget easier to understand.

# SUMMARY OF MODEL EXECUTIVE ORDERS

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## **BUDGET TRANSPARENCY**

This model order formalizes the governor's commitment not to waive the requirement that bills be in print for at least three days before they can be passed, and calls for timely and detailed budget information to be posted online. New Yorkers have little timely access to meaningful state budget information, and the state budget is often late and loaded with last minute changes approved with little or no public debate.

## **GOVERNOR'S LOCKED BOX**

The governor orders his administration not to propose a budget, program bill or other legislation that would divert dedicated funds or revenue sources from their intended "sole purpose." Since the governor originates the budget, and he can veto legislative budget additions, this has the effect of creating a "governor's locked box" for dedicated funds. We created this model order because we believe that diverting dedicated funds is bad governance and violates the pledge to taxpayers that was made when the fund was created. Over the past three years, at least \$1.8 billion has been diverted from dedicated funds, most without the knowledge or understanding of the public.

## **GOVERNOR'S PERFORMANCE INITIATIVE**

Here, the governor creates a Web-based performance measurement system, which requires agencies to provide basic information about their mission, goals and budget, and to develop methods of measuring their performance. We drafted this order to address our concern that many state agencies and programs have ill-defined and poorly explained missions, goals and objectives. We feel that without well-defined and clearly explained missions, goals and objectives, it is nearly impossible for the public to assess agency performance. More broadly, we believe that any government that refuses to measure its own performance is not accountable to itself or the public.

# SUMMARY OF THE BUDGET PROCESS

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The governor is required by the State Constitution to develop a “complete” plan of proposed expenditures and the revenues available to support them (a “balanced budget”), and submit a budget to the Legislature along with the appropriation bills and other legislation required to carry out budgetary recommendations. The governor is also required to manage the budget through administrative actions during the fiscal year.<sup>1</sup>

## **PREPARING THE GOVERNOR’S EXECUTIVE BUDGET <sup>2</sup>**

The State’s fiscal year begins April 1 and ends on March 31. However, development of the next year’s budget starts soon after the beginning of the current fiscal year. Although agencies begin to analyze their budget needs as early as May or June, the formal budget cycle begins when the budget director issues a policy memorandum—the “call letter”—to agency heads. The call letter outlines, in general terms, the governor’s priorities, fiscal constraints and sets a timetable for submission of agency budgetary proposals to the Division of the Budget. The call letter signals the official start of the budget process.

By early to mid-fall, a final budget plan is drafted by each agency, within the constraints imposed by the Division of the Budget. Based on these preliminary plans, the Division of the Budget and the Governor begin to develop the executive budget.

## **THE GOVERNOR PROPOSES HIS EXECUTIVE BUDGET**

Typically by mid-January—or, following a gubernatorial election year, by February 1—the governor submits the executive budget to the Legislature, with related appropriation, revenue, and budget bills. The State’s Five-Year Financial Plan, Five-Year Capital Program and Financing Plan, and financial information supporting the executive budget are also submitted.

## **THE LEGISLATURE ACTS**

The Legislature, primarily through its fiscal committees—the Senate Finance Committee and the Assembly Ways and Means Committee—analyzes the Governor’s spending proposals and revenue estimates, holds public hearings on major programs, and seeks further information from the executive branch and the public. Following that review, the Legislature acts on the appropriation bills submitted with the Executive Budget.

Under budget reform legislation passed in 2007, the Legislature is required to use a conference committee process between the two houses to organize its deliberations, set priorities, and reach agreement on a Budget. In addition, the State Finance Law requires that the Executive and Legislature convene a consensus economic and revenue forecasting conference and issue a consensus report on tax, lottery and miscellaneous receipts on or before March 1. If the parties fail to reach consensus, the comptroller is required to issue a binding revenue forecast by March 5.

The appropriation bills, except for those items which were added by the Legislature and the appropriations for the Legislature and Judiciary, become law without further action by the governor. The governor must approve or disapprove all or parts of the appropriation bills covering the Legislature and Judiciary, and may use the line-item veto to disapprove items added by the Legislature while approving the remainder of the bill. As provided in the Constitution, the Legislature may override the governor’s veto by a vote of two-thirds of the members of each house. The appropriation bills legally authorize the expenditure of funds during the new fiscal year.



# Model Executive Order

## BUDGET OPENNESS

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**WHEREAS**, New Yorkers through their taxes underwrite the work of state government; and

**WHEREAS**, taxpaying public has little access to meaningful state budget information on a timely basis;

**WHEREAS**, the state's budget is frequently approved late and almost always with little public debate on the changes to the Executive Budget;

**WHEREAS**, for appropriations and other bills submitted by the pursuant to Article VII of the State Constitution, the Governor will not submit messages of necessity waiving the requirement that amended versions of those bills be in print and on legislators' desks for at least three days before they can be passed; and

**WHEREAS**, there are some areas in which existing statutes governing budget openness and accountability can and should be clarified.

**NOW, THEREFORE, I**, [NAME], Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

### A. DEFINITIONS

1. "Agency" shall mean any state agency, department, office, board, commission or other instrumentality of the State, other than a public authority.
2. "Division" shall mean the New York State Division of the Budget.
3. "Budget" shall include the state's General Fund, as well as all other state spending and revenues, including all dedicated revenues received into state accounts.

## **B. PROVIDING THE INFORMATION NECESSARY FOR MEANINGFUL PUBLIC SCRUTINY OF THE STATE'S BUDGET**

1. The Division shall make publicly available on the Internet line-by-line accounting of state agencies' spending and with specificity that allows members of the public detailed access to underlying budgetary information, including the ability of users to download budget information in spreadsheet format. This Web site shall be designed in a manner to make it easy to understand for users who do not have extensive knowledge of the state's budget process.
2. The Division shall make publicly available on the Internet all underlying budget data, budget tables, supporting schedules, etc. that (a) the Governor and/or the Division is required by statute to provide to legislative officials and/or to the state comptroller; or (b) provide the underpinning for its budgetary determinations.
3. As part of each executive budget presentation, the Division shall prepare for the governor public documents that compare detailed information on appropriations and disbursements for all major state programs and for reasonable groupings of all other state programs for (a) the previous two fiscal years, (b) the current fiscal year, and (c) the next fiscal year (i) assuming spending without alteration in service levels and (ii) as proposed in the executive budget. This information should be formatted into side-by-side columns to allow easy comparisons.
4. The Division shall prepare for the governor a detailed explanation for each appropriation.
5. The Division shall compile historical data on state spending and revenue trends and make such information publicly available on the Internet and in a common, downloadable format.

## **C. BUDGET PLANNING**

1. The Division shall issue an updated financial plan summary before the Legislature begins voting on budget bills. This summary will highlight and "score" changes made to the executive budget subsequent to the 21-day amendments. Such "scoring" of the legislative budget shall be made available to all members of the Legislature.

2. If the Legislature has not enacted a complete state budget by the beginning of the state fiscal year, the Division shall issue an updated financial plan as possible but no later than April 15.
3. The Division shall produce budgetary information using Generally Accepted Accounting Principles (GAAP) as applied to governments to supplement the “cash basis” budgetary information.

## **D. BUDGET ACCOUNTABILITY**

1. The Division shall publish a preliminary analyses of any significant material changes, or potential significant materials change, to the state’s finances within 24 hours. In addition, the Division shall submit a detailed analysis of the Legislature’s proposed changes to the appropriations and other bills submitted by the governor with the executive budget within 24 hours of the introduction of amended versions of such bills. The Division shall ensure that the analyses of the Legislature’s proposed changes to these bills are published in a format that allows for easy comparisons to the executive budget.
2. The Director of the Division shall appear at legislative budget hearings, upon request of either house of the legislature or an appropriate committee thereof, to answer questions regarding the governor’s executive budget, the state’s financial plan, the Division’s updates of the state financial plan, and the Division’s estimates of the fiscal impact of amendments introduced by the Legislature to the executive’s budget bills.
3. The Division shall webcast its periodic state budget and finances presentations to bond rating agencies.
4. The final budget shall not receive a message of necessity unless there is a real emergency.

## **E. PENALTIES**

1. Any violation of this order may result in dismissal or other appropriate sanction as determined by the appointing authority of the individual committing such violation.

.....

The model executive order on **Budget Openness** is endorsed by the following groups:

- Brennan Center for Justice at NYU Law School
- Citizens Union of the City of New York
- Gerald Benjamin
- League of Women Voters of New York State
- New York Public Interest Research Group
- Reinvent Albany

# Model Executive Order

## A GOVERNOR'S LOCKED BOX: ENDING THE DIVERSION OF DEDICATED FUNDS

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**WHEREAS**, the State has legislated the creation of 720 dedicated funds, taxes and fees for the sole purpose of providing stable and reliable dedicated funding sources for critical public services;

**WHEREAS**, over the past ten years, \$2.9 billion has been “swept” from these dedicated funds and taxes to close the State’s general budget deficit, including \$1.8 billion over the last three years;

**WHEREAS**, the Division of the Budget has been given the authority to “blanket sweep” more than \$1 billion from dedicated funds since 2007. Blanket sweeps do not identify which funds will be swept or the impact of the sweeps on the affected funds;

**WHEREAS**, diverting dedicated funding to the General Fund violates the understanding of taxpayers that dedicated funds are to be spent solely for their stated purpose;

**WHEREAS**, taxpayers who are paying special use taxes and fees are not benefiting from those taxes and fees;

**WHEREAS**, day-to-day state operating costs have been shifted from the General Fund to other funds, hiding spending growth and concealing the true cost of running state government;

**WHEREAS**, the Dedicated Highway and Bridge Trust Fund has been repeatedly plundered such that only 35% of the fund (\$11.6 billion) has been spent for the fund’s stated purpose of improving New York’s roads and bridges;

**WHEREAS**, over the past ten years, more than \$850 million has been taken from the Environmental Protection Fund and spent within the general budget;

**WHEREAS**, over the past year, more than \$160 million has been taken from MTA dedicated funds, including the Payroll Mobility Tax, and this diversion led directly to bus and subway service cuts;

**WHEREAS**, other diversions from dedicated funds have diminished State support of veterans homes, legal aid for the poor, programs for the disabled, indigent care, drug treatment and foster care;

**WHEREAS**, as Governor it is my responsibility to the taxpayer to honor the stated purpose of the laws establishing dedicated funds, and to balance the budget without diverting funds from the programs they were created to serve.

**NOW, THEREFORE, I**, [NAME], Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

## **A. DEFINITIONS**

1. “Agency” shall mean any state agency, department, office, board, commission or other instrumentality of the State, other than a public authority.
2. “Public Authority” shall mean a public authority or public benefit corporation created by or existing under any State law, at least one of whose members is appointed by the Governor (including any subsidiaries of such public authority or public benefit corporation), other than an interstate or international authority or public benefit corporation.
3. “Division” shall mean the New York State Division of the Budget.
4. “Budget” shall include the State’s General Fund, as well as all non-federally funded State spending.
5. “Diversion” shall mean the redirection of funds or revenue to any purpose or destination other than the stated purpose for which they were enacted.
6. “Dedicated Funds” means funds enacted by legislation for the sole purpose of providing a stable and reliable dedicated funding source for a specific stated purpose, including the funding of an Agency, authority or program.
7. “Dedicated Revenue Sources” shall mean taxes, fees and miscellaneous funding directed by legislation for the sole purpose of providing funding for dedicated funds or authorities; the State Comptroller has identified 720 such dedicated taxes and fees, including, but not limited to, the MTA dedicated taxes, the fees and taxes funding the Highway Bridge and Trust Fund, and the fees and taxes funding the Environmental Protection Fund.
8. “Sweep” shall mean the diversion of dedicated revenues from the sole purpose for which they were enacted.

## **B. THE EXECUTIVE BRANCH SHALL NOT PROPOSE DIVERSIONS FROM DEDICATED FUNDS OR DEDICATED REVENUE SOURCES**

1. The Executive Branch, including the Division, shall not request, recommend, or order appropriations, across-the-board cuts, or programmatic budgets, or any other action that diverts dedicated funds or dedicated revenue sources from the intended and sole purpose defined in the legislation that originally established them.
2. The Executive Branch, including the Division, shall propose a budget that transfers dedicated revenues directly to the dedicated funds, authorities or agencies they were enacted to support.
3. The Division shall not implement or propose across-the-board cuts that have the effect of diverting dedicated revenues from the dedicated funds, authorities or agencies they were enacted to support.

## **C. CREATION OF A PROMINENT PUBLIC RECORD OF THE STATUS OF DEDICATED REVENUES AND FUNDS**

1. Within 30 days of this order, the Division shall display upon its Web site a clear and easily understandable description of how dedicated revenues and funds are raised and spent, highlighting and explaining the diversions of dedicated revenues and funds. This information shall be displayed in a tabular form that can be downloaded by the public in a common data format. This description shall include:
  - a. A complete record of the revenues received from each dedicated revenue source annually since 2000;
  - b. A tabular display of how dedicated revenues and funds were directed or spent, and diversions from these funds and revenues since 2000;
  - c. Ongoing or future diversions of dedicated revenues mandated by State law;
  - d. An explanation of the process by which dedicated funds are diverted, including their reclassification, which may obscure the public's understanding; and
  - e. Simple graphs that clearly illustrate the amount of dedicated funds and revenues diverted since 2000, the diversions from each fund, and the percentage of the State budget which consists of diverted dedicated funds.

## **D. PUBLIC NOTIFICATION REGARDING PROPOSED DIVERSIONS IN DEDICATED REVENUES AND FUNDS**

1. Within seven days of this order, the Division shall highlight on its Web site, and within each document, the proposed or ongoing diversions of dedicated funds and revenues within all proposed Executive Branch budgets, program bills and other legislation, including across-the-board cuts and other actions that have the effect of diverting dedicated revenues.
2. Within seven days of this order, the Division shall highlight on its Web site, and within each document, the proposed or ongoing diversions of dedicated funds and revenues within all proposed Executive Branch budgets, program bills and other legislation, including across-the-board cuts and other actions that have the effect of diverting dedicated revenues.

## **E. PENALTIES**

Any violation of this order may result in dismissal or other appropriate sanction as determined by the appointing authority of the individual committing such violation.

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The model executive order on **A Governor's Locked Box: Ending the Diversion of Dedicated Funds** is endorsed by the following groups:

- Citizens Union of the City of New York
- Gerald Benjamin
- League of Women Voters of New York State
- New York State Council of Machinists
- New York Public Interest Research Group
- Reinvent Albany
- Transportation Alternatives
- Tri-State Transportation Campaign

*\* This model order is not endorsed by report co-author, Brennan Center for Justice.*

## SUMMARY OF THE THE GOVERNOR'S PERFORMANCE INITIATIVE

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The Governor's Performance Initiative is a Web-based, performance-measure-driven, management process that will increase the quality, cost effectiveness and accountability of state agencies, programs and services. It will use the power of the Web to clearly display timely information about agency resources, goals and activities in one place, in a uniform format. It will employ performance measures devised with the help of leading experts and key stakeholders from in and out of government. Many cities and states have developed performance measure based management systems.

The New York Governor's Performance Initiative has five basic aspects:

### 1. WEB-BASED

It makes full use of the power of well-designed Web sites to display, visualize, map and share information with the public and policy makers. It will collate and display all agency performance measurements in one place in a uniform, easy-to-understand format.

### 2. TIMELY

Records will be updated frequently, and ultimately provided in real-time directly from agency databases.

### 3. GROUNDED IN CONSENSUS AND EXPERT PERFORMANCE MEASURES

Performance measures and cost/benefit measurements for complex government programs will be developed with the help of policy and performance experts from government, academia, business, labor, and advocacy.

### 4. CONTINUOUSLY IMPROVING

It will emphasize continuous improvement, both of agency results, and of the Governor's

Performance Initiative itself, including the overall process and the measures it uses. This process will be driven externally by a standing public/private taskforce.

### 5. OPEN TO NEW IDEAS AND TECHNOLOGY AND PUBLIC PARTICIPATION

It will evolve to take advantage of new approaches and technology.

The Governor's Performance Initiative will use graphically rich and highly interactive Web pages for each agency which will display how well New York State is spending tax payer funds, and how agencies are performing. The Performance Initiative will integrate numerous sources of data and explicitly assess the cost and benefit of state spending and services.

The Governor's Performance Initiative will help anchor policy and budget making in data and performance-based decision making. The process of creating the Performance Report will drive the creation of consensus performance criteria for agency services and funding, and ultimately include complex issues like K-12 education and Medicaid spending.

### A PUBLIC, EXPERT CONSENSUS PROCESS

A key aspect of the Governor's Performance Initiative will be to establish a public, expert consensus on performance measures. This means creating tools and measurements which assess the benefits and costs of agency spending and programs. (Not all of these are measurable, but many are.) The Governor's Performance Initiative is intended to create a new policy dynamic in which experts from academia, think tanks, non-governmental organizations (NGOs) and all levels of government are enlisted to help establish reasonable criteria by which the performance of New York State agencies can be evaluated.



### **USING THE WEB TO MAKE INFORMATION EASIER TO USE**

There are a growing number of robust executive accountability tools in use. A good, Web-based accountability system should be as clear and easy for the interested public to use. Included in this report are simple mock-ups showing what a Parks Department might look like under the Governors Performance Initiative.

### **IMPLEMENTING THE GOVERNORS PERFORMANCE INITIATIVE**

The Governor's Performance initiative will be implemented in stages. First, basic agency budget and resource information will be posted and a performance measurement task force created to develop performance measure recommendations for complex policy areas like Medicaid and education, and to develop a sensible and lasting process of continuous improvement. Then agencies will develop cost/benefit performance measures which include services and the cost of providing those services. Ultimately, the governor, legislature and the public will have a better idea of what various services cost, and what results they achieve.

## Influences

### **STATESTAT, MARYLAND**

Established by legislation

<http://www.statestat.maryland.gov/>

### **GOVERNMENT MANAGEMENT ACCOUNTABILITY AND PERFORMANCE, WASHINGTON STATE**

Established by executive order

<http://www.accountability.wa.gov/>

[http://www.governor.wa.gov/execorders/eo\\_05-02.pdf](http://www.governor.wa.gov/execorders/eo_05-02.pdf)

### **MAYOR'S MANAGEMENT REPORT NYC**

Established via city charter

[http://www.nyc.gov/html/ops/html/mmr/mmr\\_sub.shtml](http://www.nyc.gov/html/ops/html/mmr/mmr_sub.shtml)

# Model Executive Order

## GOVERNOR'S PERFORMANCE INITIATIVE

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**WHEREAS**, citizens of the state of New York (the “State”) deserve a government that provides high quality and cost-effective services;

**WHEREAS**, many State agencies and programs have ill-defined and poorly explained missions, goals and objectives, making it difficult for the public to assess their performance;

**WHEREAS**, a government that refuses to measure its own performance is not accountable to itself or the public;

**WHEREAS**, many states, cities and private organizations have developed performance measures to help objectively assess the cost and benefit of their spending, programs and agency activities, and such measures can help governments clearly articulate public priorities and increase accountability;

**WHEREAS**, performance measures are far more powerful if they are shared with the public in a clear and timely way; and

**WHEREAS**, the Internet is a powerful tool that can help to clearly and quickly display performance measures and information about agency resources, goals and activities.

**NOW, THEREFORE, I**, [NAME], Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

### A. DEFINITIONS

1. “Agency” shall mean any state agency, department, office, board, commission or other instrumentality of the State, other than a public authority.
2. “Goal” shall mean a broad statement that describes the desired long-term results toward which an Agency directs its efforts. Goals support, clarify and provide direction to the Agency as it pursues its mission, and assist in the application of State resources to implement the State’s comprehensive Managing For Results plan.
3. “Managing For Results” shall mean a planning, performance measurement and budgeting process that emphasizes the use of resources to achieve measurable results, accountability, efficiency and continuous improvement in State government programs.

5. "Mission" shall mean the purpose for an Agency's existence and includes a description of what an Agency does and for whom it does it.
6. "Full Agency Cost" shall mean the cost of Agency employees including salary, wages, deferred compensation, pension and post-employment benefits.
7. "Objective" shall mean a specific and measurable short-term target for achievement of an Agency's goals and includes a description of the desired results and a target date for accomplishment.
8. "Performance Measure" shall mean a quantitative or qualitative indicator used to assess whether an Agency is meeting its goals and objectives. "Performance Measures" shall include the following:
  - a. An efficiency measure that quantifies the relationship between measures of the inputs used to produce goods or services and the measures of the outputs of these activities;
  - b. An input measure that quantifies the amount of resources used to provide goods and services;
  - c. An outcome measure that quantifies the results an Agency achieves or the benefits citizens receive from an Agency's activities;
  - d. An output measure that quantifies the amount of goods and services produced by the Agency; and
  - e. A quality measure that quantifies or describes: (i) the effectiveness of the Agency in meeting its objectives, (ii) the level of satisfaction New Yorkers have with State services, and (iii) how State goods or services compare to an external or internal standard.

## **B. ESTABLISHMENT OF THE GOVERNOR'S PERFORMANCE INITIATIVE**

1. There is hereby established the Governor's Performance Initiative (the "Initiative"), an accountability process that will establish clear public missions, goals and spending priorities for Agencies, including, for each Agency, the adoption of a comprehensive set of performance and citizen satisfaction measurements, which will be publicly displayed and tracked using Agency websites.

2. All Agencies are required to comply with the requirements of this order and to assist the agency designated by the governor to implement it with the development of performance measures and clear and consistent Web site design and presentation, and to provide other needed operational and budget data necessary for the Initiative's implementation.

### **C. ESTABLISHMENT OF A TASK FORCE TO ASSIST WITH THE DEVELOPMENT OF PERFORMANCE MEASURES AND THE GOVERNOR'S PERFORMANCE INITIATIVE**

1. The New York State Task Force on Agency Performance Measures (the "Task Force") is hereby established to assist the agency designated by the governor to implement it with the development of performance measures for state Agencies and programs, and to make recommendations for a process to continually improve these performance measures and the Initiative.
2. The Task Force shall be composed of 13 individuals with expertise in government performance measures from State Agencies, academia, NGOs and labor groups who will be appointed by and serve at the pleasure of the governor. The Chair of the Task Force shall be designated by the governor and shall serve as Chair at his pleasure. The governor shall also appoint, in the same manner, additional members with expertise and as needed, sub-groups, which will focus on related matters as requested by the Task Force, and will report back to the Task Force as required.
3. The Task Force is authorized to call upon any State Agency to supply it with data and any other information, personnel or other assistance available to such Agency as the Task Force deems necessary to discharge its duties under this Order. Each State Agency is hereby required, to the extent not inconsistent with law, to cooperate fully with the Task Force within the limits of its statutory authority and to furnish it with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Taskforce may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.
4. The Task Force shall deliver an initial report to the governor within three months of its first meeting. Additional reports shall be delivered on an ongoing basis in the course of the Task Force's work.

5. The Task Force shall issue a final report on or before July 1, 2011, setting forth its findings and conclusions and making such recommendations as required by this order, as well as any other recommendations it deems proper. The Task Force's report shall include:
  - a. Recommendations for the composition, mission, goals and operation of a standing task force;
  - b. Recommendations for the development of a strategic plan or other overall State plan by which agency performance and mission are guided;
  - c. Recommendations for how to coordinate the Initiative with budget accountability efforts, and other transparency initiatives;
  - d. Recommendations for a timeline to implement Agency performance measures, recognizing the complexity of some measures; and
  - e. Recommendations for performance measures that can be implemented within six months of the issuance of the report.
6. The Task Force shall strive to make its recommendations by consensus. When it cannot achieve consensus on recommendations, it will allow those dissenting from the recommendations to state the basis for such disagreement in its final report.
7. With the agreement of the appointed Chair, the Task Force may consult with any other interested parties which they agree can be helpful.

## **D. IMPLEMENTATION OF THE GOVERNOR'S PERFORMANCE INITIATIVE**

1. Within 30 days of this order, all agencies will post on the home page of their Web sites an agency "snapshot," which will include the most recent annual expenses, revenue, capital expenditures, Full-Time Equivalent employees, the value of outstanding service contracts and a short mission statement. This information will be kept updated as information changes.
2. Within 60 days of this order, all Agencies will post a Governor's Performance Initiative page on their Web site, linked to the Agency snapshot on the homepage. This page will include:
  - a. The Agency's Mission stated in two to four short statements;
  - b. The Agency's Goals, including six service or program goals, which implement the agency's mission;
  - c. An Agency Summary in narrative form which describes its major activities;
  - d. Agency Spending Priorities which display major programmatic spending areas in a pie chart form; and

- e. An Agency Resource Summary in tabular form which includes: operating expenditures, capital commitments, revenues, employees (full-time and full-equivalent), and full agency costs. This information will be displayed for the current fiscal year and proceeding three fiscal years, and will include a comparison between year-to-date figures from the current fiscal year and the preceding fiscal year.
- 3. Within 120 days of this order, each Agency, with the concurrence of the agency designated by the governor to implement the program, will post on its Initiative Web site page performance measures and statistics that measure the Agency's progress in achieving its service goals, including a statement of six to ten service performance goals with approximately five to ten accompanying performance measures. Performance measurements will be listed in tabular form and include information for the preceding three fiscal years, and a comparison of year-to-date results with year-to-date results from the preceding fiscal year.
- 4. Within 180 days of this order, each Agency, with the concurrence of the agency designated by the governor to implement the program, will post on its Initiative Web site page at least three internal performance measures that demonstrate how much the Agency spends to provide a given service, and explains the marginal cost of each increment of service. If possible, the Agency will compare the current cost of providing the given service with the similar figure from the preceding three fiscal years.
- 5. Within 365 days of this order, each Agency, with the concurrence of the agency designated by the governor to implement the program, will post on its Initiative Web site page statistics that demonstrate how much the Agency spends to provide the key services it uses to measure how well it is achieving its goals. If possible, the Agency will compare the current cost of providing the given service with the similar figure from the preceding three fiscal years.
- 6. All tabular information, data tables and reports on the Initiative Web sites will be downloadable in a common text or database format, and all data will be linked to associated budgetary data and reports.

## **E. IMPROVING THE GOVERNOR'S PERFORMANCE INITIATIVE**

- 1. The Initiative will be modified to reflect the recommendations of the Task Force and other lessons learned during implementation. The governor will, as needed, order the agency designated by the governor to implement it to modify the Initiative to implement these improvements.

## F. PENALTIES

Any violation of this order may result in dismissal or other appropriate sanction as determined by the appointing authority of the individual committing such violation.

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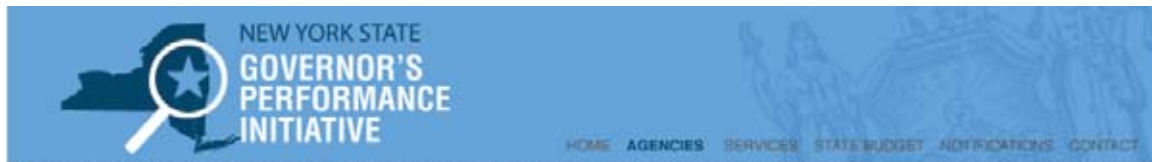
### FOOTNOTES

- 1 New York State Constitution, Article 7, Section 2
- 2 Based on the explanation presented by the New York State Division of the Budget, "Citizen's Guide," *See*: <http://www.budget.state.ny.us/citizen/process/process.html>.

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The model executive order on **Governor's Performance Initiative** is endorsed by the following groups:

- Brennan Center for Justice at NYU Law School
- Citizens Union of the City of New York
- Gerald Benjamin
- League of Women Voters of New York State
- New York Public Interest Research Group
- Reinvent Albany



**AGENCY SUMMARY >>**

**SPENDING PRIORITIES >>**

**GOALS >>**

- [Update comprehensive habitat and usage plan.](#)
- [Keep most heavily used parks in state of good repair and cleanliness.](#)
- [Upgrade infrastructure most critical to tourism.](#)
- [Promote use of NY State Parks as tourist destinations.](#)
- [Increase visits to historic sites.](#)
- [Increase revenue from fees and concessions.](#)

Follow the Parks (SOPRH) news that's most important to you — by email, text message, or RSS / ATOM.

[GPI Downloads](#) — [Parks Summary \(SOPRH\)](#)

## Office of Parks, Recreation & Historic Preservation (SOPRH)

Jane Doe, Commissioner



**MISSION**

- Plan acquisition and preservation of open space and natural habitat.
- Maintain a large network of parks for public enjoyment and habitat protection.
- Strengthen the infrastructure of parks, recreation facilities and historic sites
- Encourage the public use of state parks, recreation facilities and historic sites.

**SPENDING PRIORITIES**

(millions of \$)



**AGENCY SUMMARY**

The New York State Office of Parks Recreation and Historic Preservation (OPRH) is charged with the planning, maintenance and oversight of many of New York State's recreational assets. Historic buildings, property and out structures are identified and protected for future generations.

	2010	'05	'00
Employees	2,006	-7%	-11%
Operating Budget	\$181	-6%	-4%
Capitol Budget	\$33	-6%	-3%
Full Agency Cost (Millions of 2010 dollars)	\$214	-4%	-2%
Revenue	\$85	-7%	-4%
Net Agency Cost (Millions of 2010 dollars)	\$129	-6%	-3%

The New York State Office of Parks, Recreation and Historic Preservation operates a system of 178 parks and 35 historic site. In 2009, state parks hosted nearly 56 million visitors, an increase of 1.9 million visitors over the previous year. New York's state park system generates \$1.9 billion in economic activity every year. Nearly half the economic activity is from visitors outside the immediate areas in which the parks are located. The agency faces a \$650 million capital backlog.

**Agency Resources**

	A C T U A L			September 2009 MMRR FY10	Updated FY10	FY11*	4-Month Actual FY09	4-Month Actual FY10
	FY07	FY08	FY09					
Expenditures (\$ millions)	\$332.6	\$370.6	\$379.6	\$348.3	\$366.7	\$307.9	\$162.8	\$161.1
Revenues (\$ millions)	\$75.8	\$67.5	\$110.2	\$83.9	\$81.2	\$72.3	\$27.6	\$24.8
Personnel (Total FT and FTE)	6,947	7,245	7,395	6,763	6,829	5,449	7,037	6,955
Full-time personnel	3,062	3,702	3,760	3,345	3,478	2,974	3,729	3,725
Full-time equivalent (FTE) personnel	3,885	3,543	3,635	3,418	3,151	2,475	3,308	3,230
Overtime paid (\$000)	\$6,725	\$7,540	\$6,912	-	-	-	\$2,707	\$2,539
Capital commitments (\$ millions)	\$476.0	\$507.4	\$550.6	\$1,321.1	\$1,333.3	\$164.0	\$69.4	\$148.4

Table for illustration purposes only

\*NA - Not Available in this report





# Chapter 3

## STRENGTHENING ETHICS REFORM

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“The absence of genuine transparency in Albany provides cover for officials seeking to enrich themselves at the public expense.”

Michael J. Garcia,  
United States Attorney for the Southern District of New York

In this chapter we propose a model executive order which raises ethics standards and training for executive branch employees.

## INTRODUCTION

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In 2007, when New York State addressed ethics reform for the first time in 20 years, a package of small reforms fashioned by legislative leadership and a new governor passed without hearing or debate. This left intact a bifurcated system of ethics oversight that provides inadequately independent enforcement and offers no meaningful disclosure of potential conflicts of interest. It is our most fervent hope that the new governor and legislature will make comprehensive, up-to-date ethics reform one of its very highest priorities. In the meantime, the governor can take meaningful steps to strengthen the ethics of the executive branch.

The model executive order we propose is not a mere restatement of existing ethics laws. Rather, it includes a series of measures within the scope of the governor's authority meant to ensure that, while the state waits for passage of extensive legislative reforms, existing laws are utilized to their maximum efficacy and the executive branch as a whole serves as a model for proper functioning of ethics regulation and oversight.

First, the order extends existing law regarding the use of state property for personal gain. The order also forbids executive branch officials from making campaign contributions to the governor or seeking elective office while serving as state officials. Second, public reporting of New York State's existing financial disclosure laws are ineffective. Corrupt officials have filled out their mandated disclosure forms, yet hidden their self-dealing business interests from public scrutiny for years and even decades.

The proposed executive order requires members of the executive chamber to allow for the public disclosure of their ethics disclosure forms. Currently, such forms are submitted to the Commission on Public Integrity. However, important financial information is kept secret as required by law. This order would require covered

officials to allow for full disclosure of existing ethics forms. It is our hope that the officials making this extra effort will serve as role models for all others in state government and eventually lead to changes in New York State's financial disclosure laws.

Also, the Commission on Public Integrity offers ethics trainings to executive agencies. This order would require that such trainings be made mandatory for officials under the governor's authority and that it include a thorough discussion of the state's whistleblower laws and protections.

The last portion of the proposed order mandates that webcasts of public meetings of agencies are retained.

# BACKGROUND ON THE STATE ETHICS LAW

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## Executive branch<sup>1</sup>

Every officer and employee in the executive branch is bound by the provisions of the State ethics laws, which establish specific standards of conduct, restrict certain business and professional activities—both while in State service and after leaving government—and require financial disclosure of those considered policymakers.

In 1987, New York State adopted the Ethics in Government Act, which reformed the State's ethics law. In 2007, New York took additional and dramatic steps to overhaul its ethics and lobbying laws. The new law combined the State Ethics Commission and the Temporary State Commission on Lobbying into a new Commission on Public Integrity, effective in September 2007.

### DISCLOSURES

- Annual statements of financial disclosure are required of all those considered to be policymakers.
- The statements request information pertaining to major assets, sources of income, liabilities, and offices held with a political party, sources of gifts, real property, and other information.

### CONFLICTS OF INTEREST

Officers and employees of State government are restricted in the activities in which they may engage while in State service. Basically, they may not engage in activities that would create or appear to create a conflict with their public duties. Generally speaking, executive branch officials should not have any interest in or engage in any business or activity “in substantial conflict” with the discharge of their public duties.

## OUTSIDE ACTIVITIES

The Commission's regulations restrict the outside activities of State officers and employees in the following ways:

- certain high level officials, including all policymakers, are barred from serving as an officer of any political party or organization or serving as a member of a political party committee, including district leader or member of a national committee;
- no salaried State officers or employees may engage in any outside activity which interferes or is in conflict with their official State duties;
- for policymakers, prior agency approval is required before engaging in any outside activity if the amount to be earned is more than \$1,000 annually; and prior Commission approval is required if the amount is more than \$4,000.

## POST-EMPLOYMENT RESTRICTIONS

- **Two-year bar**—Former State officers or employees may not, within a period of two years after leaving State service, appear or practice before their former agency or receive compensation for any services rendered in relation to any case, proceeding, application or other matter before their former agency.
- **Lifetime bar**—Former State officers and employees may not appear, practice, communicate or otherwise render services before any State agency, or receive compensation for such services in relation to any case, proceeding, application or transaction with which they were directly concerned and in which they personally participated while in public service.

**GIFTS AND HONORARIA**

Gifts that exceed nominal value are prohibited under circumstances in which it could be inferred that there is intent to influence. The four statewide elected officials and department heads are prohibited from accepting honoraria; all others need prior approval of the Commission on Public Integrity.

**Legislative branch<sup>2</sup>**

Similar law covers the legislative branch, which is monitored by the Legislative Ethics Commission. However, legislators may have outside business interests which are required to be disclosed. In votes in which legislators may find themselves in a potential conflict of interest, they can rescue themselves.

**Lobbying Law<sup>3</sup>**

The state law requires all “lobbyists” and “clients” to annually register and report to the Commission on Public Integrity. “Lobbying” is defined as advocating on legislation or a gubernatorial executive order; any state agency rule, regulation or rate-making proceeding; state agency procurement; tribal-state compacts; any local law, ordinance, resolution, or regulation by any municipality or subdivision; an executive order issued by the chief executive officer of a municipality; any rule, regulation, or resolution having the force and effect of a local law, ordinance, resolution, regulation or rate making proceeding by any municipality or subdivision. In order to trigger the law’s requirements, the entity must spend, or expect to spend in one year, \$5,000 to lobby either state or local government.

Lobbyists must report their expenditures and the issues of interest every two months to the Commission. Clients must do so every six months.

# Model Executive Order

## ETHICS

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**WHEREAS**, New Yorkers through the Constitution authorize state government to act on their behalf and through their taxes underwrite the work of state government, that government employment is a privilege rather than a right and creates a duty based upon the trust and confidence placed in the State's workers by the public;

**WHEREAS**, all State employees and officers should be able to pursue the interests of the public in an environment that is free from political influence, pressure or interference;

**WHEREAS**, it is the obligation of every State employee and officer to pursue a course of conduct that will not engender public concern as to whether the individual is engaged in acts that may violate his or her public trust;

**WHEREAS**, all State employees therefore must act in a manner consistent with that public trust, and must not take any actions that are intended, or appear to be intended, to achieve personal gain or benefit;

**WHEREAS**, employees and officers of State agencies and public authorities are subject to certain ethical statutes and rules, including but not limited to the State Code of Ethics (Section 74 of the Public Officers Law), and statutory restrictions on business and professional activities (Section 73 of the Public Officers Law);

**WHEREAS**, there are ethical standards that can and should be improved or clarified pursuant to authority under existing statutes and made a binding condition of employment;

**WHEREAS**, the video and audio recordings of agency proceedings, including webcasts, are public records that should be preserved pursuant to the standards applicable to other state government records;

**NOW, THEREFORE, I**, [NAME], Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

## **A. PROHIBITION AGAINST DONATING CAMPAIGN CONTRIBUTIONS**

No state agency officer or employee who serves at the pleasure of the governor or their appointing authority, and no member of a public authority appointed by the governor, may solicit, make or transmit or offer to solicit, make or transmit any monetary contribution, for purposes hereunder to include any thing of value, to the governor, or to any political campaign committee organized by or for the specific benefit of the governor.

## **B. PROHIBITION AGAINST CAMPAIGN ACTIVITIES**

No member of the Executive Chamber, commissioner, executive director or other head of any agency or public authority shall seek nomination, designation or election to any compensated federal or state public office, or shall commence a candidacy for such office, unless such individual first resigns from State service or requests and is granted a leave of absence without pay. Such leave, if granted, must commence before such individual engages in any campaign activities, including but not limited to announcing a candidacy, circulating petitions, soliciting contributions, distributing literature, or taking any other action to actively promote oneself as a candidate for elective office. Members of the Executive Chamber, commissioners, executive directors or other head of any agency or public authority who have existing political committees shall close such accounts and dispose of any funds contained therein. No members, whether they be compensated by the state or uncompensated, of any state commission or board shall be involved in campaign fundraising or be permitted to receive government contracts.

## **C. FURTHERING FINANCIAL DISCLOSURE**

All members of the Executive Chamber who are required to file an annual statement of financial disclosure pursuant to POL Section 73-(a)(2), must disclose such filings required to file an annual statement of financial disclosure consent to full disclosure of their ethics filings.

## **D. MANDATORY ETHICS TRAINING**

Every state officer and employee shall participate in an ethics training offered by the Commission on Public Integrity, which may be provided via the Internet. Such training shall include a thorough discussion of the provisions of Civil Service Law Section 75-b, also known as the whistleblower protection law, including (i) the procedure by which employees can make known instances of unethical or illegal behavior, (ii) protections afforded reporting employees, (iii) the proper procedures for supervisors in receipt of such reports and (iv) the restrictions against and penalties for retaliation against reporting employees.

## E. RETENTION OF WEBCASTS

Pursuant to Executive Order No. 3, issued January 1, 2007 (Promotion of Public Access to Government Decision making) and extended by Executive Order No. 9 of 2008, dated June 18, 2008, the state required that agency and authority public meetings be made public via webcast. Accordingly, these webcasts are public records under the Freedom of Information Law, Article 6, Public Officers Law, and shall be subject to the retention and access requirements applicable to other state records.

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### FOOTNOTES

- 1 POL, sections 73, 73-a and 74.
- 2 Legislative Law, Article 5
- 3 Legislative Law, Article 1-A

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The model executive order on **Ethics** is endorsed by the following groups:

- Brennan Center for Justice at NYU Law School
- Citizens Union of the City of New York
- Gerald Benjamin
- League of Women Voters of New York State
- New York Public Interest Research Group
- Reinvent Albany



# Chapter 4

## EXPANDING THE FRANCHISE AND IMPROVING THE STATE'S ELECTION PERFORMANCE

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New York's failure to modernize its election administration system has come at a high cost to the State's citizens, resulting in unnecessary expense and waste, while at the same time thwarting the important legislative goals of ensuring high citizen participation, where every vote is counted as it was intended to be cast. This chapter examines how the governor can use his powers to improve the efficiency and performance of the state's election system by issuing four separate executive orders that would:

1. automate the state's registration programs;
2. the process for restoring voting rights; and
3. establish commissions to improve paper ballots used in elections and improve election performance in future elections.

## SUMMARY OF MODEL EXECUTIVE ORDERS

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### **MODERNIZING THE STATE'S VOTER REGISTRATION**

Programs. This model order would create a Coordinating Committee on Voter Registration Automation, with the mandate of ensuring that by March 31, 2011, all state agencies with voter registration programs electronically capture and transmit relevant voter registration data to the Board of Elections. Modernizing and automating state agency voter registration programs would significantly reduce costs associated with these federally mandated programs, for both the agencies and the State and local boards of elections. It would also improve the accuracy of the voter rolls and voter participation.

### **SIMPLIFY THE RESTORATION OF VOTING RIGHTS**

New York's current criminal disenfranchisement law is rooted in a discriminatory history and continues to have a disproportionate impact on communities of color. Today, thousands of *eligible* voters are illegally denied the right to register and vote because of continuing confusion among both election officials and the public about the contours of New York's unnecessarily complicated law. The Governor has the power to end this history of discrimination and ease the administrative burden of the current law by issuing an executive order that would restore the right to vote to individuals as soon as they are released from prison and back in their communities, as is done in the states of Illinois, Indiana, Michigan, Ohio, Montana, Utah, and North and South Dakota, among others.

### **IMPROVING THE STATE'S ELECTION PERFORMANCE**

In the last year, the calls to radically alter the way New York conducts its elections have reached a fever pitch.<sup>1</sup> In particular, critics have pointed to the failure of some local Boards of Election to get important information to voters in a timely manner,<sup>2</sup> poor poll worker training, weak Election Day preparation,<sup>3</sup> and unacceptably low registration and turnout rates statewide.<sup>4</sup>

This order would establish a nonpartisan task force to identify ways that many of these problems could be solved quickly. It would also allow recommendations from that task force for addressing some of the systemic problems in the state's current election administration practice.

### **CREATING USER-FRIENDLY PAPER BALLOTS**

The move to optical scan voting systems this year exposed a very specific, but exceptionally important, weakness in New York's current election practices. The state employs paper ballots that are confusing and difficult for a significant percentage of voters to use. Prior to 2010, when the vast majority of voters used lever machines, the consequences of this flawed practice were minimal. Now that all New Yorkers will be voting on paper ballots, it is critical that New York address this problem. Poor ballot design can disenfranchise a significant percentage of voters.<sup>5</sup> It can also lead to expensive and divisive post-election challenges when it results in unclear voter markings.<sup>6</sup> Many of New York's poor ballot design practices are required by law,<sup>7</sup> but just as many result from poor choices by the State and local election boards. An independent analysis of New York's practices around ballot design, with recommendations for what laws and administrative practices need to be changed, as well as development of a "best practices" template for local election officials, is critical if the problems with paper ballots are to be fully addressed.

# MEMO: USING AN EXECUTIVE ORDER TO MODERNIZE THE STATE'S REGISTRATION PROGRAMS

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In this memo, we examine how the Governor could use an executive order to ensure that relevant state agencies modernize their voter registration programs by capturing and transmitting registration data electronically. This would save the state significant money, eliminate paper waste, increase the accuracy of the state's voter rolls, and increase the state's voter registration rates.

Pursuant to New York and federal law, several state agencies, including the Department of Motor Vehicles (DMV), military recruiting offices, state and city universities and public service agencies, are required to maintain a voter registration program and provide citizens registration opportunities when they apply for services or assistance from such agencies.<sup>8</sup> The failure of state agencies around the country to comply with these requirements is well documented,<sup>9</sup> and New York is no exception.<sup>10</sup> This failure has resulted in the registration of fewer voters and the inability to update records in a timely manner. At the same time, even when there is compliance and registration forms are sent from these agencies to the boards of elections, inevitable clerical errors produce inaccurate and incomplete registration records.<sup>11</sup>

Modernizing and automating state agency voter registration programs would significantly reduce costs associated with such programs, for both the agencies and the State and local boards of elections, as well as improve the accuracy of the voter rolls and voter participation.<sup>12</sup> It would also help insulate that State against lawsuits related to its failure to comply with federal requirements.<sup>13</sup>

## Automating State Agency Voter Registration Programs Through Executive Order

To address the state's failure to modernize its registration programs, we propose that the Governor create a Coordinating Committee on Voter Registration Automation—which would consist of agency heads of all state agencies with legally required voter registration programs, or their designees, as well as the Executive Directors of the State Board of Elections and representatives of local boards of elections, representatives of New York state voting and civil rights groups, and one or more independent database experts—with the mandate of ensuring that by March 31, 2011, all state agencies with voter registration programs electronically capture and transmit relevant voter registration data to the Board of Elections.

Pursuant to the Committee's plan, agencies such as the DMV or Social Security offices would collect and transfer voter registrations to election officials without using separate paper forms. These agencies would enter registration data into their existing computer systems and transfer them electronically, in a format that election officials can securely review and upload directly into their voter registration database systems without significant additional cost to the state.<sup>14</sup> Implementation and oversight by the Coordinating Committee will promote a collaborative and deliberative approach and ensure that all agency concerns are adequately considered.

As discussed more thoroughly in the next section of this memo, electronically transferring this data (as opposed to collecting the data on paper and forwarding it to the Board of Elections, as is presently done) has several advantages, including the following:

- increasing voter registration rates;
- enhancing compliance with the National Voter Registration Act and Sections 5-211 and 5-212 of the New York Election Law;
- improving the accuracy, integrity, and thoroughness of voter rolls;
- eliminating paper waste; and
- saving the state as much as hundreds of thousands of dollars every year.

A number of states have adopted the kind of automated registration at state agencies that we suggest, and their new systems have received praise from Democrats and Republicans alike.<sup>15</sup>

## Legal Power to Effectuate Automation through Executive Order

There is substantial precedent to support the right of the Governor to issue an executive order creating a Coordinating Committee on State Agency Voter Registration Automation, with a mandate to implement automated voter registration at all state agencies with voter registration programs within the next 18 months.

An executive order is a valid exercise of the Governor's executive power so long as the order:

1. is consistent with legislative policy, and
2. does not "usurp" the Legislature's prerogatives, or contradict its provisions for implementing policy.<sup>16</sup> Previous executive orders and court decisions make clear that an order to automate state agency registration efforts satisfies these requirements.

Indeed, the order contemplated here is merely a modern extension of a previous executive order

upheld by the Court of Appeals in *Clark v. Cuomo*. The *Clark* order required all state agencies in regular contact with the public to make voter registration forms available in their offices, and to provide visitors with assistance in filling them out.<sup>17</sup> The court concluded that the order was consistent with a legislative policy to encourage "as widespread voter registration as possible"<sup>18</sup> and that the governor was not "usurping a policy function of the Legislature at all" but was "merely implementing its policy in a manner which in no way treads on [the Legislature's] prerogatives." Automating the voter registration process at state agencies is similarly consistent with the goal of encouraging widespread voter registration, as well as several other important legislative policies. Moreover, the order proposed here is merely procedural, addressing only the means of transmission of voter registration data by governmental agencies and in no way interfering with legislative prerogatives.<sup>19</sup> Therefore, the proposed order is a valid exercise of the Governor's executive authority and would be upheld as such in a court of law.

## Order is Consistent with Legislative Policy

As already discussed, there are at least five policy rationales for automating state agency voter registration programs. All have been used to justify executive orders in the past.

### INCREASING VOTER REGISTRATION RATES

The New York Court of Appeals has long acknowledged the "expressed legislative policy of encouraging as widespread voter registration as possible."<sup>20</sup> The experience of other states that have automated agency voter registration programs shows that doing so will significantly advance this fundamental goal. For instance, DMV voter registrations nearly doubled in Washington and

Kansas after their registration programs were fully automated. Remarkably, South Dakota saw a nearly seven-fold spike in voter registrations submitted at DMVs since officials automated the system.<sup>21</sup> There is no reason to doubt that New York will experience similar success.

## **ENHANCING COMPLIANCE WITH THE NVRA AND RELATED STATE LAW**

The National Voting Rights Act (NVRA) requires the DMV and several other state agencies to provide voter registration opportunities to all individuals who seek their services. In addition, several specific provisions require automatic agency action despite minimal effort by the prospective voter. For example, Section 5(a) requires states to treat a driver's license application as an application to register to vote unless an applicant fails to sign the voter registration portion of the application. Section 5(d) requires that states update a voter's registration record when the voter submits a change of address form to motor vehicle authorities, unless the voter expressly declines the update.

New York's compliance with these provisions has been called into doubt, but this order will enable the creation of a system capable of fully complying with the NVRA by implementing uniform guidelines and integrating state agency computer systems into the Board of Elections database. The dramatic increases in voter registrations experienced by the several states which have automated their systems provides evidence that NVRA compliance will be greatly enhanced in New York as well.<sup>22</sup>

## **IMPROVING THE ACCURACY, INTEGRITY AND THOROUGHNESS OF THE VOTER ROLLS**

New York legislative policy seeks to ensure that the state's voter rolls are accurate, thorough, and free of fraud.<sup>23</sup> Automated voter registration will further this objective by unifying registration in the statewide database with consistent rules that apply

to all state agencies. The risk of losing paper forms will be eliminated, and opportunities for data entry mistakes or fraud will be substantially reduced. Officials in states that have adopted automated registration programs consistently confirm these assertions. For example, a 2009 survey of incomplete and incorrect registrations in Maricopa County, Arizona found that electronic voter registrations are as much as five times less error prone than their paper-based counterparts.<sup>24</sup> In addition to ensuring that eligible voters are given the opportunity to vote, reducing registration errors drastically lessens the burden on election officials as they attempt to combat voter fraud by allowing them to focus on potential voters whose eligibility is in doubt for reasons other than simple clerical error.

## **ELIMINATING PAPER WASTE**

Currently, voter registration programs run by state agencies require customers who wish to register to vote to fill out separate paper registration forms which are subsequently delivered to election officials to enter into the voter rolls. The result is that tens of thousands of paper forms are used and mailed to boards of elections from state agencies every year. Automated registration would eliminate the use of these additional paper forms. Instead, when voters apply for services (e.g., a driver's license, public benefits), they are asked whether they would like to register or update their registration information, as well as the few additional questions necessary to complete a registration form. This information is electronically captured by the relevant agency and forwarded to election officials.

Elimination of paper waste furthers the legislative policy to "promote affordable and cost effective methods to reduce energy and resource consumption."<sup>25</sup> In this spirit, Governor Paterson's 2008 Executive Order No. 4 established an Interagency Committee on Sustainability and Green Procurement, with the task of developing

procurement lists and specifications intended to reduce waste and pollution.<sup>26</sup> The order also required each state agency to develop a Sustainability and Environmental Stewardship Program; to begin printing all publications on 100% recycled paper; and to begin purchasing paper supplies composed of 100% recycled paper “to the maximum extent practicable.”<sup>27</sup>

## **SAVING STATE AND LOCAL JURISDICTIONS MONEY**

States that have implemented automated registration programs consistently report having saved hundreds of thousands, if not millions, of dollars each year. For instance, in Maricopa County, Arizona (which includes Phoenix), the county saved more than \$450,000 in 2008 just by automating DMV registrations and reducing the cost of printing paper forms.<sup>28</sup>

Given the New York State’s presently precarious fiscal position, which is likely to persist in the coming years, such savings could be particularly valuable in allowing the State to adequately fulfill its legislative mandates. While there are likely to be start-up costs associated with automating registration programs, other states have automated programs at relatively little cost; these costs have been more than recouped within one to two election cycles.<sup>29</sup> For instance, in 2007 Washington State spent approximately \$170,000 on state-level work to develop both automated and online registration, and \$109,000 on work at the county level.<sup>30</sup> In 2008 alone, the Secretary of State’s office reported savings of \$126,000 at the state level, and reported savings even at the county level.<sup>31</sup>

Several past executive orders have similarly imposed upfront costs in the pursuit of medium and long-term savings. For example, Governor Mario Cuomo’s Executive Order 132 sought to reduce future energy costs by requiring every state agency to conduct

technical assistance studies and environmental audits. Governor Pataki’s Executive Order 111 required the purchase of relatively expensive, energy-efficient equipment in pursuit of the same cost-saving goal. The order proposed here similarly requires a one-time investment but will ultimately result in substantial savings as the costs of printing and transporting paper registration forms are reduced to near zero.

## **AUTOMATING REGISTRATION PROGRAMS DOES NOT USURP LEGISLATIVE PREROGATIVES**

Even where an executive acts in pursuit of a legislative policy, the executive cannot “usurp” the Legislature’s prerogatives, or contradict its provisions for implementing policy.<sup>32</sup>

Clark has established that involving a range of agencies in voter registration does not infringe upon the role of election officials.<sup>33</sup> Indeed, the court wrote that to find that third parties may not supply forms and help voters to complete them would “be completely contrary to the expressed legislative policy of encouraging as widespread voter registration as possible.”<sup>34</sup>

In addition, there are several examples of governors issuing fairly detailed directives as to how agencies go about their business, and the state agencies we reference are of course already required by law to send registrations to election officials. The applicable statute does not dictate a particular form of transmission, and in fact explicitly grants discretion in its execution (“The head of each participating [voter registration] agency shall take all actions which are necessary and proper for the implementation of this section.”).<sup>35</sup>

For all of the foregoing reasons, there is substantial support for the position that the governor enjoys considerable discretion to advance automated registration through an executive order

# Model Executive Order

## ESTABLISHING A COORDINATING COMMITTEE ON VOTER REGISTRATION AUTOMATION AND MANDATING THE CREATION AND IMPLEMENTATION OF AN AUTOMATED VOTER REGISTRATION PLAN

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**WHEREAS**, the State of New York (the “State”) is dedicated to the maximization of voter registration and turnout in order that the desires of its citizens be better and more accurately represented; and

**WHEREAS**, State and federal law jointly require certain state agencies to offer voter registration opportunities to their clients; and

**WHEREAS**, the trend towards electronic voter registration has greatly increased voter registration numbers in several of the United States; and

**WHEREAS**, the electronic transmission of registration records reduces opportunities for error and fraud in voter lists; and

**WHEREAS**, it is the State’s policy to promote cost effective methods to reduce energy and resource consumption; and

**WHEREAS**, tens of thousands of paper forms and envelopes are used each year to transmit voter registration forms to the various boards of elections; and

**WHEREAS**, the State is facing an unprecedented fiscal crisis; and

**WHEREAS**, the cost of paper, envelopes, and postage could be drastically reduced, allowing government funds to be directed towards the continued provision of other state programs and services; and

**WHEREAS**, reducing the use of paper can conserve both natural resources and fiscal resources.

**NOW, THEREFORE, I**, [NAME], Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

## **Model Executive Order**

### **ESTABLISHING A COORDINATING COMMITTEE ON VOTER REGISTRATION AUTOMATION AND AUTHORIZING THE CREATION AND IMPLEMENTATION OF AN AUTOMATED VOTER REGISTRATION PLAN**

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## **DEFINITIONS**

1. “Automated Voter Registration” shall mean a system whereby Voter Registration Agencies collect Voter Registration Data to be electronically transmitted to the appropriate board of elections in a format that election officials can securely review and process as a voter registration application.
2. “Online Registration” shall mean a system that allows individuals to submit a voter registration application over the Internet.
3. “Voter Registration Agency” shall mean any agency required under New York Election Law Sections 5-211 and 5-212 to administer a program for the distribution of voter registration forms, including the Alcoholism and Substance Abuse Services; the City Universities of New York; the Commission for the Blind and Visually Impaired; the Commission on Quality of Care and Advocacy for Persons with Disabilities; the Department of Health’s Women, Infants, and Children Program; the Department of Labor; the Department of Social Services; the Department of Motor Vehicles; the Department of State; the Division of Veterans’ Affairs; Military Recruiting Offices; the Office for the Aging; the Office of Mental Health; the Office of Mental Retardation and Developmental Disabilities; the State Universities of New York; the Vocational and Educational Services for Individuals with Disabilities; and the Workers’ Compensation Board.
4. “Voter Registration Data” shall mean all of the information required for a valid voter registration application.



## **Model Executive Order**

### **ESTABLISHING A COORDINATING COMMITTEE ON VOTER REGISTRATION AUTOMATION AND AUTHORIZING THE CREATION AND IMPLEMENTATION OF AN AUTOMATED VOTER REGISTRATION PLAN**

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## **COORDINATING COMMITTEE ON VOTER REGISTRATION AUTOMATION**

There is hereby established a Coordinating Committee on Voter Registration Automation (the “Coordinating Committee”). The Coordinating Committee shall be comprised of: (i) the Executive Directors of the State Board of Elections; (ii) the Executive Director of the New York City Board of Elections; (iii) Four Commissioners of county boards of elections, to be appointed by the Governor; (iv) the Commissioner of the Department of Motor Vehicles; (v) the heads of all other Voter Registration Agencies (vi) Two representatives of New York State voting and civil rights organizations, to be appointed by the Governor; and (vii) one or more independent database experts, to be appointed by the Governor.

The Coordinating Committee shall be appointed and constituted by January 31, 2011. Members of the Coordinating Committee may designate an executive staff member to represent them and participate on the Coordinating Committee on their behalf. A majority of the members of the Coordinating Committee shall constitute a quorum, and all actions and recommendations of the Coordinating Committee shall require approval of a majority of the total members of the Coordinating Committee.

The entities represented on the Coordinating Committee are authorized to provide the primary staff and other resources that are necessary for the Coordinating Committee to comply with this order.

The Coordinating Committee may convene advisory panels to assist or advise it in areas requiring special expertise or knowledge.

## **AUTOMATED VOTER REGISTRATION PLAN**

The Coordinating Committee, no later than July 31, 2011, shall develop an Automated Voter Registration Plan (the “Plan”) that ensures all Voter Registration Agencies will be equipped to implement an Automated Voter Registration system (the “System”) by March 31, 2011.

The Plan shall:

- Describe comprehensively the means by which Voter Registration Agencies shall collect, process, and electronically transmit Voter Registration Data to the appropriate board of elections;
- Provide for agency training and policies to ensure that individuals are encouraged to register to vote and informed that their registration information, including party affiliation or enrollment, will not affect their right to access government services;

## Model Executive Order

### ESTABLISHING A COORDINATING COMMITTEE ON VOTER REGISTRATION AUTOMATION AND AUTHORIZING THE CREATION AND IMPLEMENTATION OF AN AUTOMATED VOTER REGISTRATION PLAN

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- Specify the format of electronic transmission that will allow for the automated processing of registration applications and their expedient inclusion in the electronic statewide voter registration list;
- Provide for testing of the System prior to implementation and ongoing oversight of the System following implementation; and
- Ensure the security of Voter Registration Data.
- Require, after implementation of the Plan, that all Voter Registration Agencies provide the State Board of Elections with a detailed, monthly analysis of the numbers and percentage of Voter Registration Agency customers providing registration information.
- Require, after implementation of the Plan, the State Board of Elections to take any necessary corrective action with an Agency reporting unusually low voter registration numbers as compared with its previously reported numbers or those of other offices

To the greatest extent practicable, the Plan should utilize the existing hardware and software systems of the participating Voter Registration Agencies.

The Coordinating Committee shall explore whether online registration can be made available to eligible citizens of New York State, as part of the Automated Registration Plan.

If a Voter Registration Agency believes it will be unable to comply with the time frames set forth in this Order or with the provisions of the Plan, it may obtain an extension upon the approval of the Commissioners of the State Board of Elections, for good cause shown, and only to the extent necessary to address the justification supporting the extension. A request for an extension shall be made in writing by the agency head or his or her designee to the Commissioners of the State Board of Elections.

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The model executive order on **Establishing a Coordinating Committee on Voter Registration Automation and Mandating the Creation and Implementation of an Automated Voter Registration Plan** is endorsed by the following groups:

- Brennan Center for Justice at NYU Law School
- Citizens Union of the City of New York
- Common Cause New York
- Demos
- Gerald Benjamin
- League of Women Voters of New York State
- New York Public Interest Research Group
- Reinvent Albany

# MEMO: USING AN EXECUTIVE ORDER TO SIMPLIFY THE RESTORATION OF VOTING RIGHTS<sup>36</sup>

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## Background

Under current law, New Yorkers convicted of a felony and sentenced to prison lose the right to vote. Voting rights are automatically restored to individuals upon their release from prison or discharge from parole. People on probation and those convicted of misdemeanors never lose the right to vote.

As a result of the state's felony disenfranchisement law, more than 108,000 New Yorkers are barred from voting. Nearly 43,000 of those individuals are on parole and living in the community, working, paying taxes, and raising families alongside the rest of us. Additionally, New York's law disproportionately impacts the minority community—80% of those disenfranchised because of a felony conviction are Black or Hispanic.

Moreover, thousands of *eligible* New Yorkers with felony convictions are illegally denied the right to register and vote because of confusion and noncompliance on the part of election officials. Studies in 2003 and 2005 showed that county election officials are unclear about the law, leading to the potential disenfranchisement of eligible voters. A 2006 Brennan Center report revealed that one-third of all counties refused to register people on probation, even though they never lose the right to vote, and another third illegally required individuals to show documentation or proof of their eligibility status.

Because of this persistent misinformation, many New Yorkers with felony convictions do not know whether they are eligible to vote. In 2005, researchers found that about half of New Yorkers surveyed incorrectly thought they were ineligible to vote while on probation and about 30 percent believed they lost their right to vote if they had only been arrested, but not convicted, for a crime. The widespread confusion among impacted individuals and state officials suggests there is a need for a simplified voting system

with easier eligibility rules and proper notification procedures.

## The Solution

To ease the administrative burden of determining the eligibility of people with felony convictions, New York should restore the vote to individuals upon their release from prison.<sup>37</sup> Currently, fifteen states and the District of Columbia restore voting rights to people who are not in prison. In these states the very fact that an individual is back in the community signals that he is eligible to vote. Restoring the vote to people who are out of prison also makes sense as a way to prevent further crime and improve the safety of New York neighborhoods. Voting is an important part of making people feel connected to their communities, which in turn helps them avoid falling back into crime. In fact, studies show that among those released from prison, registering to vote reduces the likelihood of re-arrest by nearly one-half.<sup>38</sup> Reforming New York's law to re-enfranchise people coming out of prison would promote their successful reintegration back into the community. Several bills seeking to restore voting rights to people on parole have been introduced in both the Assembly and the Senate, but they have not progressed in either body.

Because legislative attempts at reform have been unsuccessful, we encourage the Executive to restore voting rights to all people on parole. In July 2005, Governor Thomas Vilsack issued an Executive Order restoring the vote to approximately 80,000 Iowans with felony convictions. Similarly, we urge the incoming Governor of New York to use his executive authority to act where the Legislature has failed to do so. By automatically restoring voting rights to people who have been released from prison and are living in the community, the Governor can help enhance New York's democratic system, ease the administrative burden that currently leads to confusion and misinformation, promote broad public safety and

future crime prevention and establish a fair voting process that includes all citizens who have served their prison time.

### The Authority

Article 4, Section 4 of New York's Constitution provides, "The governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment . . . as he or she may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons." This provision has been interpreted by New York courts to give unreviewable discretion to the Governor to grant clemency. *Matter of Boyd v. Pataki*, 2008 NY Slip Op 5834, \*1-2 (N.Y. App. Div. 3d Dep't 2008) (noting the Governor's clemency power "is not subject to judicial review") (citation omitted); *see also People v. Sean D.*, 2006 NY Slip Op 50212U, \*2 (N.Y. County Ct. 2006). "The governor's power in the matter of granting pardons, reprieves and the like is unlimited. It stems from the Constitution and cannot be curtailed by the Legislature." *Vanilla v. Moran*, 67 N.Y.S.2d 833, 841 (N.Y. Sup. Ct. 1947), *aff'd* 83 N.E.2d 696 (N.Y. 1949); *see also Sturnialo v. Carey*, 394 N.Y.S.2d 137 (N.Y. Sup. Ct. 1977) (denying judicial review to clemency decisions).

This broad executive power to grant clemency includes the power to grant a partial pardon restoring voting rights to all New Yorkers currently on parole. As described by the *Guidelines for Review of Executive Clemency Applications*, a pardon can "relieve a disability imposed upon a judgment of conviction for an offense." Department of Corrections, *Guidelines for Review of Executive Clemency Applications* 1. Currently, individuals on parole can seek to have their rights restored by applying to the Board of Parole, or in certain circumstances to their sentencing court, for a Certificate of Relief from Disabilities or a Certificate of Good Conduct. As provided by statute, this process is a form of clemency that can be granted

by the Board alone, without the Governor's approval. However, this process is lengthy and cumbersome, and requires each individual to apply separately. While the clemency guidelines currently suggest, "Absent exceptional and compelling circumstances, a pardon is not available if the applicant has an adequate administrative or other legal remedy," including through Certificates, these guidelines, created by an executive agency, cannot limit the Governor's power to grant clemency.

Finally, while the constitutional provision suggests that the Legislature may have the power to regulate the manner of application for pardons, the Legislature has not yet done so. The only limitation contained in Article 2-A of the Executive Law, governing Reprieves, Commutations and Pardons, requires the Governor to "annually communicate to the legislature, each case of reprieve, commutation or pardon; stating the name of the convict, the crime of which he was convicted, the sentence and its date and the date of the commutation, pardon or reprieve." N.Y. Exec. Law § 17 (2009). While such a report would be lengthy with respect to an executive order restoring the right to vote to all parolees, presumably the generation of such a report would be feasible. *See also* N.Y. Corr. Law art. 11 (empowering Governor to appoint executive clemency hearing officers); *id.* art. 23 (empowering issuance of a Certificate of Relief from Disabilities or a Certificate of Good Conduct).

# Model Executive Order

## SIMPLIFY THE RESTORATION OF VOTING RIGHTS

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**WHEREAS**, the right to vote is the foundation of a representative government;

**WHEREAS**, the State of New York (the “State”) is dedicated to the maximization of voter registration and participation;

**WHEREAS**, tens of thousands of New Yorkers who are living, working, and paying taxes in the State are denied the right to register and vote as a result of a criminal conviction in their past, and thousands more eligible voters are illegally denied their voting rights due to confusion among election officials and the public regarding the State’s felony disenfranchisement law;

**WHEREAS**, the State’s disenfranchisement law has a racially disparate impact, disproportionately affecting Black and Hispanic New Yorkers;

**WHEREAS**, successful reintegration into society should be the ultimate goal of any correctional policy, and voting, being fundamental to membership in a democratic society, has been shown to reduce recidivism rates among those who have been previously arrested;

**WHEREAS**, State policy seeks to protect those of its citizens with criminal histories from discrimination in employment, housing, and public;

**WHEREAS**, a clear policy that restores voting rights to people who are out of prison would simplify election administration, improve administrative efficiency, decrease public and agency confusion and be less costly for the State; and

**WHEREAS**, Article 4, Section 4 of the New York State Constitution authorizes the Governor of New York to grant reprieves and pardons after conviction.

**NOW, THEREFORE, I**, [NAME], Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

From this day forward, the right to register and vote shall be automatically restored to all people with felony convictions immediately upon their release from prison.

All persons currently on parole shall immediately have their right to register and vote restored.

The State Board of Elections shall produce guidelines consistent with this executive order and distribute such guidelines to all county boards of elections. County boards of elections shall advise their employees, election officers, and all other persons involved in the administration of voter registration and elections of the guidelines and shall ensure that this executive order is given full effect.

.....

The model executive order on **Simplifying the Restoration of Voting Rights** is endorsed by the following groups:

- Brennan Center for Justice at NYU Law School
- Citizens Union of the City of New York
- Common Cause New York
- Community Service Society of New York
- Demos
- The Fortune Society
- League of Women Voters of New York State
- Legal Action Center
- NAACP Legal Defense Fund, Inc.
- New York Public Interest Research Group
- Reinvent Albany

*\*This recommendation is not endorsed by report co-author Gerald Benjamin*

## MEMO: USING AN EXECUTIVE ORDER TO ESTABLISH COMMISSIONS TO IMPROVE ELECTION PERFORMANCE IN 2012 AND IMPROVE PAPER BALLOTS USED IN ELECTIONS

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There has been an increasing chorus of complaints against election administration in New York State. The recent transition to electronic voting machines has increased the public's awareness of some of these problems; however, many of the flaws in the way the state conducts its elections have existed for decades.

We recommend the establishment of two panels of experts to address these issues. The first panel would study and make recommendations to solve a very specific, but extremely important, issue—the layout and design of the state's paper ballots. A recent study by the New York City Council found that more than one-third of voters surveyed in New York City found the ballot design difficult to read or confusing.<sup>39</sup> During the primary election in Albany County, poor ballot design was responsible for as many as 8% of votes being lost.<sup>40</sup> Poor ballot design and confusing instructions can lead to thousands of lost votes, and disproportionately affects low-income voters, new voters, and elderly voters.<sup>41</sup>

An independent task force for ballot design improvement should be comprised of election officials, ballot design and usability experts and members of civil rights and voting rights groups. The task force should study the ballots used currently, and provide recommendations for improvement of the ballot design and statutory changes where needed in advance of the 2012 election.

# Model Executive Order

## ESTABLISHING A TASK FORCE ON IMPROVING ELECTIONS

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**WHEREAS**, transparent, efficient, and effective election administration and procedure are fundamental to the health of our democracy;

**WHEREAS**, the State of New York (the “State”) is committed to maximizing voter registration and turnout;

**WHEREAS**, all State election administration policies should ensure that all eligible voters have the opportunity to cast a ballot and that every vote cast by a qualified voter is counted;

**WHEREAS**, only thirty to fifty percent of the State’s eligible voters have cast ballots in recent elections;

**WHEREAS**, poor election procedure reduces public confidence and participation in the electoral process;

**WHEREAS**, development of election administration policy must include consideration of its impact on the real world of election administration; and

**WHEREAS**, decisions about election policy and practice should be based on systematic data analysis;

**NOW, THEREFORE, I**, [NAME], Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

1. There is hereby created the New York Task Force on Improving State Elections (the “Task Force”), to review the administration of previous statewide elections and to develop recommendations as to how to improve the electoral process.
2. The majority of the Task Force shall be comprised of a nonpartisan group consisting of diverse, highly qualified people who are not politicians, such as academics and educators, business leaders, bar association leaders, former judges, civil and voting rights leaders, and other persons of stature and integrity; while representatives of state and local election boards and political parties should be included, but shall not comprise a majority of the Task Force]



3. The Task Force shall issue a final report on or before October 1, 2011, setting forth its findings and conclusions and making recommendations as it deems proper. Such recommendations may include proposals for legislation or regulations.
4. The Task Force shall look into all matters it deems relevant for such purposes, which shall include, but not be limited to:
  - Voter registration;
  - Poll worker training and staffing;
  - Election materials and publication;
  - Election planning, preparation and administration;
  - Election administration infrastructure and management; and
  - Early voting.
5. The Task Force shall strive to make its recommendations by consensus whenever possible. To the extent that the Task Force cannot achieve consensus on particular recommendations, it may in its report set forth recommendations as to which there is disagreement, and allow those dissenting from the recommendations to state the basis for such disagreement.
6. Every agency, department, office, division, public authority or political subdivision of the State shall cooperate with the Task Force and furnish such information and assistance as the Task Force determines is reasonably necessary to accomplish its purposes.
7. The Task Force may consult with other interested parties, including members of the legislature, commissioners and other staff of county boards of elections, members or officials of political parties or other political organizations, employees of non-profit organizations, academics and experts in public policy.

.....

The model executive order on **Establishing a Task Force on Improving Elections** is endorsed by the following groups:

- AIGA Design for Democracy
- Brennan Center for Justice at NYU Law School
- Center for Plain Language
- Citizens Union of the City of New York
- Common Cause New York
- Demos
- Gerald Benjamin
- League of Women Voters of New York State
- New York Public Interest Research Group
- Center for Plain Language
- Reinvent Albany
- Usability Professionals Association (UPA)

# Model Executive Order

## ESTABLISHING A TASK FORCE ON STATE BALLOT IMPROVEMENT

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**WHEREAS**, poor ballot design can frustrate voters, undermine confidence in the electoral process, result in lost or misrecorded votes, and contribute to Election Day problems for voters and election officials alike;

**WHEREAS**, poor ballot design disproportionately affects low-income voters, new voters, and elderly voters;

**WHEREAS**, the design of ballots in the 2010 primary and general elections led to substantial confusion among voters; and

**WHEREAS**, a well-designed ballot could greatly enhance public confidence and participation in the electoral process.

**NOW, THEREFORE, I**, [NAME], Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

There is hereby established the New York Task Force on Ballot Design (the “Task Force”), to review the design of the State’s ballots and to make recommendations for improving the ballot design, as well as procedures for creating and publicizing the ballot.

The Task Force shall be comprised of the following members:

- The two Co-Chairs of the State Board of Elections;
- The Executive Director of the New York City Board of Elections;
- Two commissioners of county boards of elections, to be appointed by the Governor;
- Two professional designers who have worked on the issue of ballot design best practices, to be appointed by the Governor;
- Two usability professionals who have worked on the issue of ballot usability best practices, to be appointed by the Governor; and
- Three members of civil rights and voting rights organizations, to be appointed by the Governor.
- Two experts in accessibility and voting technology, to be appointed by the Governor

The Task Force shall issue a final report on or before March 15, 2011 setting forth its findings and conclusions and making such recommendations as required by this order, as well as any other recommendations it deems proper.

The Task Force's report shall include:

- Recommendations to change legislation for paper ballot design;
- Recommendations to change legislation for instructions and communications to voters;
- Recommendations to improve procedures for ballot creation; and
- Recommendations to improve procedures for publicizing the ballot prior to elections, including the use of low-cost Web-based options.

The Task Force shall strive to make its recommendations by consensus whenever possible. To the extent that the Task Force cannot achieve consensus on particular recommendations, it may in its report set forth recommendations as to which there is disagreement, and allow those dissenting from the recommendations to state the basis for such disagreement.

The Task Force may consult with other interested parties, including members of the legislature, members or officials of political parties or other political organizations, employees of non-profit organizations, academics and experts in public policy.

.....  
The model executive order on **Establishing a Task Force on State Ballot Improvement** is endorsed by the following groups:

- AIGA Design for Democracy
- Brennan Center for Justice at NYU Law School
- Citizens Union of the City of New York
- Center for Plain Language
- Common Cause New York
- Demos
- Gerald Benjamin
- League of Women Voters of New York State
- New York Public Interest Research Group
- Reinvent Albany
- Usability Professionals' Association (UPA)

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## FOOTNOTES

- 1 See, e.g., *Let's Get Voting Right*, *NEWSDAY*, July 13, 2010; *At the Polls, With Fingers Crossed*, *N.Y. TIMES*, Oct. 27, 2010, available at [http://www.nytimes.com/2010/10/28/opinion/28thurs4.html?\\_r=3&ref=opinion](http://www.nytimes.com/2010/10/28/opinion/28thurs4.html?_r=3&ref=opinion), *One Person, No Vote*, *N.Y. TIMES*, July 5, 2010, available at [http://www.nytimes.com/2010/07/06/opinion/06tue4.html?\\_r=2](http://www.nytimes.com/2010/07/06/opinion/06tue4.html?_r=2).
- 2 John Travis, *NYC Sample Ballot 2010 – An Early Look*, *REFORMNY* (Oct. 18, 2010), <http://reformny.blogspot.com/2010/10/nyc-sample-ballot-2010-early-look.htm>
- 3 See, e.g., Editorial, *Primary Day 2010: The Machine and the Machines*, *N.Y. TIMES*, Sept. 15, 2010, available at <http://www.nytimes.com/2010/09/16/opinion/16thu3.html>; Matthew Lysiak and Adam Lisberg, *Mayor Bloomberg calls voting machine errors at city polling places a 'royal screw-up'*, *N.Y. DAILY NEWS*, Sept. 14, 2010, [http://www.nydailynews.com/ny-local/2010/09/14/2010-09-14\\_mayor\\_bloomberg\\_calls\\_voting\\_machine\\_errors\\_at\\_city\\_polling\\_places\\_a\\_royal\\_screw.html#ixzz1504gbJXX](http://www.nydailynews.com/ny-local/2010/09/14/2010-09-14_mayor_bloomberg_calls_voting_machine_errors_at_city_polling_places_a_royal_screw.html#ixzz1504gbJXX).
- 4 Michael P. McDonald, 2010 General Election Turnout Rates, United States Election Project, [http://elections.gmu.edu/Turnout\\_2010G.html](http://elections.gmu.edu/Turnout_2010G.html) (last visited Nov. 11, 2010).
- 5 LAWRENCE NORDEN, ET AL., *BETTER BALLOTS 19* (Brennan Center 2008), available at [http://www.brennancenter.org/content/resource/better\\_ballots](http://www.brennancenter.org/content/resource/better_ballots).
- 6 *Id.* at 51.
- 7 *Id.* at 42-43.
- 8 Such programs are maintained by each of the following agencies: the Alcoholism and Substance Abuse Services; the City Universities of New York; the Commission for the Blind and Visually Impaired; the Commission on Quality of Care and Advocacy for Persons with Disabilities; the Department of Health WIC (Women, Infants, and Children) Program; the Department of Labor; the Department of Social Services; the Department of Motor Vehicles; the Department of State; the Division of Veterans' Affairs; Military Recruiting Offices; the Office for the Aging; the Office of Mental Health; the Office of Mental Retardation and Developmental Disabilities; the State Universities of New York; the Vocational and Educational Services for Individuals with Disabilities; and the Workers' Compensation Board. For the legislative authority, see 42 U.S.C. 1973gg-3 and 1973gg-5, as well as N.Y. ELEC. LAW §§ 5-211 and 212.
- 9 Benita Jones, *Agencies' failure costs poor communities power*, *ST. LOUIS POST-DISPATCH*, May 7, 2008, at D9; Elysha Tenenbaum *Officials Say Motor Voter Still Flawed*, *ROLL CALL*, Mar. 15, 2006; The Department of Justice has recently instituted new guidelines to ensure better compliance, see M. Mindy Morretti, *Department of Justice releases guidelines for implementation of NVRA*, *ELECTIONONLINE WEEKLY*, Jul. 15, 2010, available at <http://ceimn.org/news/departement-justice-releases-guidelines-implementation-nvra-guidelines-could-add-thousands-voter>; see also Press Release, Project Vote, New Mexico Settles Lawsuit, Agrees to Implement "Motor Voter" Law (Jul. 7, 2010), available at <http://www.projectvote.org/newsreleases/490-new-mexico-settles-lawsuit-agrees-to-implement-motor-voter-law.html>; Aaron Bailey, *Federal Findings: Judge orders DSS to register clients to vote*, *KAN. CITY DAILY RECORD*, July 18, 2008.
- 10 Letter from Wendy Weiser, Deputy Director, Adam Skaggs, Counsel, Brennan Center for Justice, et al. to Robert Brehm, Co-Executive Director, Todd Valentine, Co-Executive Director, New York State Board of Elections, et al. (Apr. 15, 2010) (on file with the Brennan Center).
- 11 See generally WENDY WEISER, ET AL., *VOTER REGISTRATION MODERNIZATION: POLICY SUMMARY* (Brennan Center for Justice 2009), <http://brennan.3cdn.net/b75f13413388b2fcc-ynm6bn1l2.pdf> for a full discussion of the kinds of problems that result from New York's current system.
- 12 See generally, CHRISTOPHER PONOROFF, *VOTER REGISTRATION IN A DIGITAL AGE* (Wendy Weiser ed., Brennan Center for Justice 2010), <http://brennan.3cdn.net/806ab5ea23fde7c26Lnlm6b1s4z.pdf> for a full discussion of many of the benefits of automating state registration programs.
- 13 See U.S. DEPT. OF JUSTICE, *PAPERLESS VOTER REGISTRATION AT NVRA-COVERED AGENCIES*, (2010), available at <http://www.aamva.org/aamva/DocumentDisplay.aspx?id={F3134FF2-2C4B-4EFE-A0C8-F37DF3A5B1B7}#286,14>, Delaware.

- 14 The statewide voter database has been designed “to the maximum extent practicable, to allow each local board of elections to continue its existing computer infrastructure, computer software and database applications to access data from and transmit data to the statewide voter registration list” in order to streamline administration and reduce costs. N.Y. ELEC. LAW § 5-614 (2).
- 15 CHRISTOPHER PONOROFF, VOTER REGISTRATION IN A DIGITAL AGE 9 (Wendy Weiser ed., Brennan Center for Justice 2010), [http://brennan.3cdn.net/806ab5ea23fde7c261\\_n1m6b1s4z.pdf](http://brennan.3cdn.net/806ab5ea23fde7c261_n1m6b1s4z.pdf).
- 16 66 N.Y.2d 185, 189 (N.Y. 1985).
- 17 *Id.*
- 18 *Id.* at 192.
- 19 *Id.* at 190.
- 20 *Id.* at 192.
- 21 See generally PONOROFF, *supra* note 5, at 15-17.
- 22 *Id.*
- 23 The New York legislature created the statewide voter database to “ensure that voter registration records in the state are accurate and are updated regularly” and to “make a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters.” N.Y. ELEC. LAW § 5-614(14). Furthermore, Sections 5-700 to 5-712 of the Election Law evince a strong legislative policy to prevent voter fraud.
- 24 PONOROFF, VOTER, *supra* note 5, at 13-14.
- 25 N.Y. ENVTL. CONSERV. LAW § 28-0101 (2010).
- 26 Exec. Order No. 4, N.Y. CODES R. & REGS. tit. 9, § 7.4 (2010).
- 27 *Id.*
- 28 See generally PONOROFF, *supra* note 5, at 15-17.
- 29 Brennan Center for Justice, Voter Registration Modernization, VRM in the States, [http://www.brennancenter.org/content/pages/voter\\_registration\\_modernization\\_states](http://www.brennancenter.org/content/pages/voter_registration_modernization_states).
- 30 PONOROFF, *supra* note 5, at 11.
- 31 *Id.* at 12.
- 32 *Clark*, 66 N.Y.2d at 189.
- 33 *Id.* at 190.
- 34 *Id.* at 192.
- 35 N.Y. Elec. Law § 5-211(15).
- 36 This memo was prepared by the Brennan Center for Justice at NYU School of Law and was originally published on its website at <http://www.brennancenter.org/page/-/NYExecutiveOrder09-20-10.pdf>.
- 37 Hawaii, Illinois, Indiana, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, and South Dakota restore voting rights upon release from prison. In Vermont and Maine, people with felony convictions never lose the right to vote.
- 38 Christopher Uggen & Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample* 36 COLUMBIA HUMAN RIGHTS LAW REV. 193 (2004). For additional information about the relationship between restoring voting rights and protecting public safety, see the Brennan Center’s Law Enforcement and Criminal Justice Advisory Council, [http://www.brennancenter.org/content/pages/law\\_enforcement\\_criminal\\_justice\\_advisory\\_council](http://www.brennancenter.org/content/pages/law_enforcement_criminal_justice_advisory_council).
- 39 Press Release, The Council of the City of New York, City Council’s Online Voter Survey Shows Ballot Design as Prevailing Complaint at the Polls (Nov. 9, 2010) *available at* [http://council.nyc.gov/html/releases/eday\\_voter\\_survey\\_11\\_9\\_10.shtml](http://council.nyc.gov/html/releases/eday_voter_survey_11_9_10.shtml).
- 40 Jordan Caleo-Evangelist, *Riddle of the Write-ins*, TIMES UNION, Sept. 15, 2010, *available at* <http://www.timesunion.com/local/article/Riddle-of-the-write-ins-660161.php>.
- 41 LAWRENCE NORDEN, ET AL, BETTER BALLOTS 19 (Brennan Center 2008), *available at* [http://www.brennancenter.org/content/resource/better\\_ballots](http://www.brennancenter.org/content/resource/better_ballots).

# Part II

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## EXECUTIVE POWERS AND AUTHORITY TO REORGANIZE STATE GOVERNMENT

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# INTRODUCTION

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Governor-elect Andrew Cuomo promised voters that he would reorganize state government to “reduce the number of agencies, authorities, commissions and the like by 20 percent in the interest of saving taxpayers’ money, increasing accountability and improving the delivery of government services.”<sup>1</sup>

The Governor-elect also promised to convene a commission with the power to examine the state bureaucracy and make recommendations to streamline its structure. This chapter examines the powers that New York’s governor has to reorganize the executive branch and reviews such gubernatorial powers found in other states.

As detailed below, the opportunity for the governor to use his executive order powers to streamline state government is limited. In this chapter, we identify those state entities that the governor can unilaterally eliminate or overhaul. However, when it comes to using the governor acting unilaterally to restructure the executive branch, we find that the New York governorship, generally regarded as one of the strongest in formal powers, is in fact less empowered than the governorships of many other states.

Following this section is a lengthy Resources section, which includes tables which provide a detailed summary of the executive orders issued by the last four governors.

# Chapter 1

## EXECUTIVE ORDERS AND GUBERNATORIAL AUTHORITY TO REORGANIZE STATE GOVERNMENT

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GERALD BENJAMIN AND ZACK KECK

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This chapter considers the extent and limits of the power of a newly elected governor of New York State to reduce the size of government by executive action. To do this we explore the nature and use of executive orders for reorganization and in emergencies, both in the states generally and in New York. We find that the New York governorship, generally regarded as one of the strongest in formal powers, is in fact less empowered in this area than the offices in many other states.

The Governor-elect has indicated an intention to “eliminate 20 percent of the state’s more than 1,000 agencies, authorities, commissions and the like” and to create a high-level reorganization commission toward this end.<sup>2</sup> After examining the experience with and legal basis for gubernatorial reorganization authority in other states, we conclude that there may be some limited opportunity for a governor to act on his own authority in this area. In general, we concur that, at minimum, statutory authority is required to achieve thorough restructuring of state government. Adopting a statute on the model of that currently in force in the New Jersey would greatly empower the governor to achieve substantial state government reorganization in New York.



## EXECUTIVE ACTION TO ALTER THE STRUCTURE OF NEW YORK STATE GOVERNMENT REQUIRES A STATUTORY OR CONSTITUTIONAL BASE

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Unlike the national government, which under the U.S. Constitution is one of limited, delegated powers, “state governments, acting through their legislatures, are presumed to have broad, residual, almost plenary governmental power” except insofar as these powers are limited by state constitutions.<sup>3</sup> But these powers are vested in legislatures and do not extend to state executives, who must find a constitutional or statutory basis for their actions.<sup>4</sup>

It is therefore universally the case in American separation of powers systems that the formal power to adopt public policy is with the legislature. In New York, the Governor’s constitutional role in policy making is defined with reference to the legislature. The state constitution provides that “the governor shall communicate by message to the legislature at every session the condition of the state, and recommend such matters to it as he or she shall judge expedient.” The Governor may call both houses into a special session where he or she defines the agenda. And after legislative action, the governor is required to “expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed.”<sup>5</sup> There is an executive veto in New York, but it may be overridden by a vote of two thirds of the members elected to each legislative house.<sup>6</sup> The veto itself was originally conceived as a means of correcting errors, and only over time did it evolve to be a tool with which the governor could create policy unilaterally.<sup>7</sup> It is the intent of the New York State constitution that the governor have no “pocket veto,” that is, that he or she not be able to block the legislature’s will by inaction, so long as it remains in session.

The governor’s power in budgeting, carved from legislative prerogative through twentieth century constitutional change in accord with the goals of the progressive reform movement (discussed further below), was further extended by the state’s high court in recent years.<sup>8</sup> In contrast, the power to issue executive orders, not explicitly given in the state constitution, has been interpreted in the courts in a manner far less generous to the executive.

The power based on the provision that “the executive power shall be vested in the governor,” added to the New York state constitution (Article IV section 1) in 1821 in apparent emulation of the vesting clause in the U.S. Constitution (Article II Section 1). There has been considerable controversy regarding the degree to which a U.S. president is independently empowered by the vesting clause.<sup>9</sup> However, the state’s leading contemporary constitutional historian, Peter Galie, wrote in 1991 that “The question of whether the phrase *executive power* confers on the governor powers or simply the title has not occasioned the same controversy in New York as it has at the national level.”<sup>10</sup>

In *Rapp v. Carey* in 1978 the New York Court of Appeals overturned, for lack of constitutional or statutory basis, Governor Hugh Carey’s executive order requiring public employees to refrain from certain political and business activities and file financial disclosure forms.<sup>11</sup> This was the first time such an action was taken by the state’s high court. (One of Governor Carey’s executive orders had been overturned in a lower court in 1977.)<sup>12</sup> In taking this action, Galie found that the Court of Appeals “narrowed the range of executive orders, claiming that the executive may not ‘go beyond state legislative policy and prescribe a remedial device not embraced by that policy.’”<sup>13</sup> Germane to the potential use of executive orders to deal

## EXECUTIVE ACTION TO ALTER THE STRUCTURE OF NEW YORK STATE GOVERNMENT REQUIRES A STATUTORY OR CONSTITUTIONAL BASE

CONTINUED

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with a fiscal emergency, the court two years later, in *Oneida County v. Berle*, struck down the use of an executive order to impound local assistance funds.<sup>14</sup>

In later decisions, however, the Court of Appeals sought to distinguish particular circumstances and thus moderate the effect of this *Rapp v. Carey* language. Over Republican objections, it allowed Governor Mario Cuomo's executive order using state agencies to ease voter registration, saying that "It is only when the executive acts inconsistently with the legislature, or usurps its prerogatives, that the doctrine of separation is violated."<sup>15</sup> Similarly, just over ten years later, in *Bourquin v. Cuomo*, the court allowed Cuomo to create, by executive order, a not-for-profit entity to represent customers in utility rate setting proceedings as an alternative way to achieve legislative authority already granted.<sup>16</sup>

## REORGANIZATION POWER IN NEW YORK RESIDES PRIMARILY WITH THE LEGISLATURE

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Empowering governors as state chief executives in accord with the then emerging corporate model, and concomitantly restructuring state bureaucracies to be accountable to them, was a principle element of the Progressives' agenda at the turn of the twentieth century. There was a growing movement for administrative reform in the state. Context for this effort was the rapid and seeming chaotic growth in the size of the government. The number of state entities grew from 39 in 1894 to 152 by 1914. The per capita cost of government increased from \$2.47 to \$5.41 between 1904 and 1914.<sup>17</sup> Although modest efforts were taken by the administrations of governors Charles Evans Hughes, William Sulzer and Martin Glynn, the first major administrative overhaul of state government was attempted at the 1915 Constitutional Convention. The resulting constitution was defeated at the polls for reasons not relating to administrative restructuring. However, its recommendations were later taken up by Governor Alfred Smith, who served as a delegate to the 1915 convention.<sup>18</sup>

Governor Smith's push for reorganization began immediately after he took office in 1919 with the creation of the Reconstruction Commission on Retrenchment and Reorganization. The Commission's final report included many of the recommendations of the 1915 Constitutional Convention. With some bipartisan support, the statutory reforms recommended by the Commission were passed during Governor Smith's first term. Those proposed in three Constitutional amendments failed however, and Governor Smith left office when he lost his bid for reelection in 1920.<sup>19</sup>

When he was elected again in 1922, Smith resumed his efforts to achieve state government reorganization. By 1925 he had achieved passage of two of the three previously proposed

Constitutional amendments. New York's reform efforts later served as a model for other state governments.<sup>20</sup> Importantly, all these seminal changes were achieved through specific constitutional amendments or legislative action. None arose as the result of general reorganization authority vested in the governor.

An analysis of experience with reorganization in the 48 contiguous states of the United States between 1900 and 1985 concluded that they major efforts are likely to occur on a 25 year cycle "when long-wave [economic] declines and rationalistic rhetoric coincide with institutions that encourage access to the governmental agenda."<sup>21</sup> Another study, published in the early 1990's, found that "[A]ttempts to overhaul the executive branch of state governments have occurred in five waves."<sup>22</sup> Interestingly, "...[I]ncremental adjustments to the status quo—'nibbling away' at problems in one or several agencies at a time—may be sufficient to greatly reduce the possibility a state will pursue a comprehensive reorganization...."<sup>23</sup>

A detailed review of the New York experience confirmed that state government reorganization efforts were cyclical. Additional institutional structures are created to achieve the goals of newly elected leaders, or under pressures for response to particular policy concerns. (It is often easier to achieve changed objectives through new organizations, than to redirect the priorities of established one. It is also symbolically more powerful.) Then when the disorder becomes too great, or countervailing fiscal constraints come to dominate the policy landscape, often with newly elected leadership, an effort at retrenchment through reorganization emerges.<sup>24</sup> That is "Pressures for restructuring derive from all governors' interest in enhancing the management abilities of their office as well as the pressures that come to bear upon them from relatively more [sic]

“inefficient” governments. Governors respond to these pressures based upon the enabling resources at their disposal to overcome the obstacles that they face in their political environment.”<sup>25</sup>

Governor Nelson Rockefeller made one of the most thorough efforts to reorganize state government in the last half of the century. In connection with this effort, he sought but did not obtain general authority to implement the report prepared for him by his Secretary, William Ronan.<sup>26</sup> Some but not all of the reorganization Rockefeller sought was achieved through distinct legislative actions, or constitutional amendment.

Thus, there is no ambiguity—the authority to reorganize the executive branch lies with New York’s legislature. Even in the context of the major reorganization of state government achieved in 1925, as Article V section III of the state constitution indicates, New York’s constitution left this power with the legislature:

“Subject to the limitations contained in this constitution, the legislature may from time to time assign by law new powers and functions to departments, officers, boards, commissions or executive offices of the governor, and increase, modify or diminish their powers and functions. Nothing contained in this article shall prevent the legislature from creating temporary commissions for special purposes, creating executive offices of the governor or reducing the number of departments as provided for in this article, by consolidation or otherwise.”

Moreover, the understanding that constitutional or statutory change is needed to relocate this power is confirmed by an attempt to make such a change in the 1967 State Constitutional Convention, which failed at the polls. Article 6.6 of the proposed 1967 Constitution provided that:

“The legislature may establish, reorganize, or abolish the departments and agencies of the state, except as otherwise provided in this constitution.

“The governor may also exercise such powers by submitting plans for such purposes to the legislature in regular session on or before the first day of February in any year, and every such plan shall become effective as law on the date specified therein unless either the senate or assembly, within sixty calendar days of such submission, by resolution of a majority of the members elected thereto, has disapproved the same.”

There may, however, be one significant exception. In an earlier attempt to constrain the size of New York’s government in connection with the aforementioned 1925 reorganization, the major departments and agencies were named in the constitution and limited to twenty in number.<sup>27</sup> Among these was an Executive Department that was to serve as “an umbrella, or *omnium gatherum*” for a large number of units. This effectively created a loophole that allowed the re-proliferation of departments, bypassing the letter and spirit of the constitutional limit.<sup>28</sup>

Under current law the Executive Department is headed by the Governor, and includes under its umbrella: the division of the budget; the division of military and naval affairs; the office of general services; the division of state police; the division

of parole; the division of housing; the division of alcoholic beverage control; the division of human rights; the division of veterans' affairs; the division of homeland security and emergency services (newly reorganized); and the office for technology.<sup>29</sup> Together these have 13,019 employees and 6.63% of the state workforce.

this would be an invitation to litigation, with the outcome uncertain. In fact, a recently published leading text on state constitutional law uses examples drawn from two of the New York cases mentioned above as illustrative of inconsistent and therefore unpredictable reaction in state high courts to such initiatives, previously summarized.<sup>31</sup>

In addition, Andrew Cuomo's *New New York Agenda* finds within the Executive Department "at least 75 administrative units, almost all frozen in statute, including 18 commissions, 18 offices, 14 divisions, 13 councils, 8 boards, 2 cabinets, an agency, and a committee." The *Agenda* also states that, "[P]redictably, the practice of lumping a potpourri of agencies into a single department has resulted in inefficient groupings of unrelated activities that interferes with departments' efforts to achieve flexibility in administration, complicates their ability to perform core agency functions, and promotes inefficiency and waste."<sup>30</sup>

As head of the Executive Department, according to the above cited executive law, "the governor may establish, consolidate, or abolish *additional* divisions and bureaus." Most of the entities in the Executive Department are established by law. However it may be worth looking at government entities in which the governor's power derives from both their general role as chief executive, And their specific role as department head. In these cases, the governor may have the power to re-organize existing units within the department.

Governors in New York have sought to seize upon ambiguities in the law to find a basis for actions they wish to take. Usually they look to such compelling circumstances as the recent need to fill a vacancy in the Lieutenant Governorship during a fiscal emergency, or in pursuit of desired political or policy ends where clear legislative authority was not forthcoming, But for any major initiative

# Chapter 2

## RECENT NEW YORK GOVERNORS' USE OF EXECUTIVE ORDERS

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To further understand the executive order power in New York we examined the use of such orders by recent governors during their first year in office and sought to categorize orders currently in force by function and administration of origin.<sup>32</sup> Additionally, we took a particular look at orders used to address emergency situations and to impact local government.

### FIRST YEAR EXECUTIVE ORDERS

All governors upon assuming office continued all Executive Orders by executive order and also ordered an internal review of them. Governor Spitzer issued an executive order eliminating all previous Orders except ones specifically listed, as did Governor Paterson. Earlier governors repealed previous Orders only when they sought to supersede them.

From Governor Carey on, each Governor has set up Judicial Nominating Committees via Executive Order to vet potential judicial appointees.

With the exception of Governor Wilson, who served only briefly, all Governors have issued executive orders in their first year to specify ethical guidelines or procedures for state officials and employees subject to gubernatorial authority.

With the exception of Governor Pataki, all Governors have issued orders advancing women's issues in State government. With the exceptions of Governors Carey and Pataki, all issued orders in their first year advancing minority group causes or status in state government. In the last three

Democratic administrations, at least one of these Orders has taken the form of advancing Women- and Minority-owned businesses in some manner.

Governors tend to focus their initial Orders on prominent issues on which they campaigned. For instance, a substantial portion of George Pataki's first year Orders addressed decreasing regulations and rules, increasing privatization and getting tough on crime. Immediately upon taking office, Elliot Spitzer issued numerous orders that sought to increase government transparency and introduce higher ethical standards for State officials. Hugh Carey issued many early Orders pertaining to health policy, mental health policy, and the operation of nursing homes.

### EXECUTIVE ORDERS IN FORCE IN 2010

We found 120 Executive Orders in force in 2010. Several rubrics have previously been used to organize executive orders. We employ the one developed and published in 2008 by Margaret R. Ferguson and Cynthia J. Bowling because it allows more detailed analysis.<sup>33</sup> Because a number of Executive Orders had more than one function under the rubric used for this analysis, the total number of purposes of these orders exceed the number of orders themselves. As summarized in the Resources section, I, a plurality of orders now in force were issued by David Paterson, the incumbent Governor, but more than a quarter originated with Mario Cuomo, and one was first issued by Nelson Rockefeller. There are no orders originally issued by Hugh Carey currently in force.

The most common use for executive orders was for issuing procedural directives. Rescinding or affirming previous orders (two categories, combined) was the second most frequent use of this power. In just under a third of cases the function of an order was to create a situation of relative permanency in the state bureaucracy, that is, create a new position or office (12), create a continuing regulatory commission (13), create a continuing advisory board, council or task force (20), make an appointment to a state position (1); or reorganize a state agency or department (1).

Examples are listed in the Resources section. Most staffing for entities created by executive order was from existing positions in state government.

## EXECUTIVE ORDERS IN EMERGENCIES

New York State law provides for emergency response to “Natural and Man Made Disasters.” (Executive Law Article 2-B) defined as:

“...occurrence or imminent threat of wide spread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, radiological accident, water contamination, bridge failure or bridge collapse.” (Section 20.2.a)

Local governments are specified as the first line of defense and action in disaster response. But the law (Section 28.1) also provides that if the governor:

“1. ...on his own initiative or pursuant to a request from one or more [local] chief executives, finds that a disaster has occurred or may be imminent for which local governments are unable to respond adequately, he shall declare a disaster emergency by executive order.”

The Governor’s authority under the law extends to defining the disaster, determining (in up to six month increments) the duration of the state response (Section 28.3-4) and seeking federal assistance, for which he or she may provide state matching funds without appropriation, at his or her discretion:

“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 or until rescinded by the governor, whichever occurs first. The governor may issue additional orders to extend the state disaster emergency for additional periods not to exceed six months.”

“Whenever the governor shall find that a disaster is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected jurisdictions, he shall make an appropriate request for federal assistance available under federal law, and may make available out of any funds provided under the governmental emergency fund or such other funds as may be available, sufficient funds to provide the required state share of grants made under any federal program for meeting disaster related expenses including those available to individuals and families.”

Historically, declarations of emergency have most commonly been issued in response to natural disasters. However, governors have occasionally extended the definition to deal with unique circumstances.

Governor Pataki’s 87th executive order which declared a disaster due to a “[August 1998] fire that inflicted severe and extensive damage to the 126-year-old Central Synagogue, located at 643 Lexington Avenue, New York, New York, a New York City and national landmark, and the oldest temple in New York State in continuous use by one Jewish congregation” during Rosh Hashanah and Yom Kippur, leaving the congregation with no building to carry out the holiday traditions. In this case, Pataki simply “authorized the New York State Armory at 643 Park Avenue, New York, New York (the “Armory”) to be used by the congregation’s members and guest worshipers during the High Holy Days.” He went on to extend this declaration four times. It finally expired in early 2000 (presumably when the new Temple was built).<sup>34</sup>

Governor Carey’s Executive Order #46, issued in 1977, declared a natural gas shortage emergency, and invoking unspecified emergency powers in Constitution and laws of the State (this one did not cite Executive Law 2-B), which he delegated

to a commissioner to ration natural gas. Governor Carey’s 90th executive order, issued on February 16, 1980, found that the lack of adequate transportation resulting in excessive delays for spectators at the Olympic Games at Lack Placid constituted an emergency. The governor not only ordered the state to provide additional transportation, but also called for the suspension of laws, regulations, and other protocols that might have conflicted with their efforts. As with most declarations of emergency, he stated that the situation constituted a threat to the general welfare, public order, and protection of property.

One commentator, troubled by shortcomings in the governmental response to such events as Hurricane Katrina, argued for the recognition that “presumptive executive power to respond to interstate crisis” are “inherent in the executive.”<sup>35</sup> Such a power, however, is not now found in New York law. Hypothetically, a newly elected governor could issue an executive order declaring the state’s fiscal condition to be a “Man-made disaster” under the Executive Law, and then seek to downsize state government under the broad discretionary powers given in the law to deal emergencies. There are some precedents for taking specific action to deal with fiscal problems by executive order, albeit in a more focused manner. Governor Carey’s aforementioned impoundment of local assistance funds by executive order is one example. Another is Governor Pataki’s very first executive order, freezing state hiring on “all agencies, departments, divisions, commissions, bureaus and all other entities over which... [he had]... executive power” in the face of “a substantial projected budget deficit.”<sup>36</sup> As noted, the first action was overturned by the courts. The second was well within the governor’s power as chief executive.

Interestingly, Governor Carey issued no executive orders in 1975 in the course of seeking to manage the New York City fiscal crisis, nor did any other



governor in recent years try to use this power broadly to address periodically appearing state fiscal difficulties of varying magnitudes. The resulting resistance in the legislature and then the courts, on serious separations of powers grounds, would likely add to rather than diminish crisis conditions in the state.

### EXECUTIVE ORDERS AND LOCAL GOVERNMENT

There is some record in other states of executive orders being recognized in the courts as “the basis for substantive” law that affected local government.<sup>37</sup> Governors’ executive orders impacting local government in New York, however, have in general been incidental, informational or advisory, and rarely directive. Orders declaring emergencies direct state agencies to work with local authorities, which are, as previously noted, responsible in the first instance for responding to them. Governor Pataki issued Executive Orders to implement the Memorandum of Agreement regarding the NYC Watershed between that city and upstate host communities for its reservoir in the Catskills.<sup>38</sup>

Emulating the approach of several predecessors, Governor Spitzer created commissions to study local government and property tax reform by Executive Order.<sup>39</sup> More recently, Governor Paterson established a Task Force on Public Employee Retirement Health Care Benefits to consider, as part of its work, the benefits of employees of localities outside NYC.<sup>40</sup> (This order did direct all political subdivisions to cooperate with the task force as it carried out its work, but that group was not given any authority to regulate or change how local governments provide health care benefits for their employees.) Another of Paterson’s orders, this one setting out state policy regarding bottled water, encouraged “[P]ublic entities not subject to this Order, including local governments and school districts, ... to review their policies and practices concerning the use of bottled

water for the purpose of achieving goals similar to those of this Executive Order.”<sup>41</sup>

Under Article V Section 1 of the state Constitution, the Legislature must assign to the State Comptroller the “supervision of the accounts of any political subdivision of the state.” It has done so in Article 3 of the General Municipal Law. Additionally, usually at local request in accord with constitutional home rule provisions, the state in specific circumstances has intervened by law to provide assistance, oversee or even take temporary control of the finances of particular localities (e.g., New York City, Yonkers, Buffalo).<sup>42</sup> Again hypothetically, one or more local chief executives might request a gubernatorial declaration of emergency and following assistance at the governor’s discretion, in response to extreme local fiscal stress. There is no existing mechanism, however, for local leaders to collectively request such a declaration to deal in general with the derivative local dimensions and consequences of New York State’s fiscal crisis (e.g. property tax burden, state mandates upon local governments).

# Chapter 3

## REORGANIZATION

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### WHAT CAN REORGANIZATION ACHIEVE?

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Advocates of reorganization generally argue that it will bring greater economy, efficiency, effectiveness, accountability and management capacity on the executive side, as well as enhanced legislative capability for oversight and improved public understanding of state government. For example, in 1959 Secretary to the Governor William Ronan identified eight areas of benefit from the “Proposed Reorganization of the Executive Branch of New York state government” he offered in 1959. They were as follows:

- Reduction in the number of State agencies, thus facilitating communication, coordination and control.
- Elimination of duplication and overlap of services and reduction of overhead costs by grouping similar functions under a single agency.
- More effective discharge by the governor of the responsibilities with which the Constitution charges him and which the people expect their Chief Executive to fulfill.
- Clarification of lines of authority, thus identifying and placing responsibility for program results.
- Assignment of the management of all State funds to the Executive Branch of Government under an officer responsible to the Chief Executive.

- Provision for review of administrative decisions affecting private rights, by independent boards and review units within departments.
- Facilitation of legislative review of Executive branch performance through simplification of State government organization.
- Enhancement of public understanding of State government.<sup>43</sup>

In austere times, the economy argument becomes paramount; reorganization of state government is advanced primarily as a means to reduce governmental costs.<sup>44</sup> The findings of scholarly research, however, do not provide consistent support for this idea. For example, work published by Kenneth J. Meier in 1980, based upon reorganizations in sixteen states, shows reorganizations “rarely accounts for significant reductions in (government) employment or expenditures.”<sup>45</sup> Meier found that “only three [states] showed a statistically significant long-term decline in (government) employment while none showed a significant short-term decrease. None of the short or long-term reductions in expenditures were statistically significant.”<sup>46</sup> James K. Conant’s paper on the twenty-two comprehensive state reorganization efforts between 1965 and 1987 also found minimal support for the notion that reorganization efforts stemmed the growth of employment and expenditures. Of the states Conant reviewed, only one, Iowa, had any success

in producing such an outcome.<sup>47</sup> Conant later summarized: “On the basis of existing studies on this topic, neither employment reductions nor net reductions in state spending are likely to result from a reorganization initiative”.<sup>48</sup>

In contrast, in another multi-state study done employing different measures and methodology completed more than a decade later, investigators did find that comprehensive reorganization resulted in lower rates of growth (but not decline) in numbers of state government employees.<sup>49</sup> Berkman and Reenock found that the twenty-three states that undertook comprehensive reorganization between the years 1952 and 1992 “on average, experienced [employment] growth rates 1.65% smaller than states that have not reorganized comprehensively.”<sup>50</sup>

Of course, as suggested by the goals for the Rockefeller-era effort in New York summarized above, reorganization might produce positive affects for state governments other than cost control or reduction. Conant and others found that reorganization has made the executive branch more accountable to the governor by expanding gubernatorial appointment powers, reducing the number of executive branch agencies, and consolidating them within larger departments organized by function.<sup>51</sup> Berkman and Reenock reported that, on average, comprehensive reorganization results in 150 consolidated agencies or departments.<sup>52</sup> Moreover, earlier studies also fail to account for potential savings produced by reorganization for local governments. But the preponderance of evidence suggests the need to avoid claims for large potential fiscal gains from state government reorganization, lest expectations be elevated to levels that cannot be realized.

## MODELS FOR GUBERNATORIAL REORGANIZATION AUTHORITY

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The “legislative veto,” a practice later declared unconstitutional at the national level in *Immigration and Naturalization Service v. Chadha*, 462 U.S. 919 (1983), was first used in the Reorganization Act of 1939 to give the president temporary authority to restructure the national government.<sup>53</sup> This practice reverses the familiar separation of powers arrangement, under which the legislative branch passes laws subject to executive veto, which may be overridden. Ordinarily, if the executive fails to act within a specified time, a measure passed by the legislature becomes law. Under the legislative veto, authorized nationally by statute and now in the States by constitutional provision or statute, an executive-proposed reorganization takes effect unless it is disapproved by one or both legislative houses within a specified time. That is, change occurs if the legislature does nothing. However, if the legislature acts to block the reorganization, there is no executive override.

Governor-initiated reorganization is a relatively new phenomenon in the United States. It was first suggested for state government in 1948 in the 5th edition of the Nation Municipal League’s *Model State Constitution*. Article 5.6 of this model constitution read:

“The legislature shall by law prescribe the functions, powers and duties of the principal departments and of all other agencies of the state and may from time to time reallocate offices, agencies and instrumentalities among the principal departments, may increase, modify, diminish or change their functions, powers and duties and may assign new functions, powers and duties to them; but the governor may make such changes in the allocation of offices, agencies, and instrumentalities, and in the allocation of such functions, powers and duties, as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth

in executive orders, which shall be submitted to the legislature while it is in session and shall become effective, and shall have the force of law, sixty days after submission, or at the close of the session, whichever is sooner unless specifically modified or disapproved by a resolution concurred in by a majority of all members.”<sup>54</sup>

New Hampshire was the first state to adopt this model, through legislation it passed in 1949. Alaska, admitted to the union in 1958, included executive reorganization authority on this model in its first Constitution. A 1977 study identified seven states where the Governor had constitutional authority to reorganization, with an additional nine states providing it through legislation.<sup>55</sup>

According to the 2009 *Book of States*, Governors in thirty-one states currently have power to achieve executive branch reorganization subject to legislative veto.<sup>56</sup> However, our own review found that only twenty-one executives are currently given any significant power to reorganize their states’ bureaucracies,<sup>57</sup> a number similar to that identified by other recent academic works.<sup>58</sup> From our review, we identified six different sets of institutional arrangements regarding government reorganization, based on the source of and limits upon the Governor’s authority and the nature of and limits upon the Legislature’s role. A seventh category includes four states in which Governors have significant power to reorganize, but that could not be encompassed in this rubric. An eighth category, which includes New York, is composed of the twenty-nine states in which no substantial executive reorganization authority is given by constitution or law. Categories are arrayed from “Governor Most Powerful” to “Governor has no significant authority.”

## MAXIMAL AND TIMELY EMPOWERMENT OF THE NEW YORK GOVERNOR

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The *Agenda for a New New York* takes the New Jersey law as a model for the statutory authority necessary to allow a newly elected governor achieve sweeping state government reorganization. In our rubric, New Jersey law empowers the governor to the fullest extent possible without placing his or her reorganization authority on a constitutional basis. In substance it is substantially the same as the constitutional provision (cited above) included in the New York State Draft constitution of 1967, written just two years before the enactment of the New Jersey Statute.

According to the summary given in the *Agenda for a New New York*, “New Jersey’s Executive Reorganization Act of 1969...authorizes the Governor to prepare a reorganization plan that calls for the consolidation, transfer or abolition of state agencies, and then submit the plan to the Legislature.” The plan takes effect unless, within sixty days, both houses of the Legislature pass a concurrent resolution “stating in substance that the Legislature does not favor the reorganization plan.” Unless voted down by the Legislature, the plan “shall have the force and effect of law.” All laws or parts of laws inconsistent with an adopted “reorganization plan . . . are, to the extent of such inconsistency . . . repealed.”<sup>59</sup>

Further examination reveals that the New Jersey Governor’s reorganization authority does not reach the office of State Auditor, nor may it compromise civil service protections.<sup>60</sup> Additionally a gubernatorial reorganization plan may not provide for:

1. Creating a new principal department in the Executive branch, abolishing or transferring a principal department or all the functions thereof, or consolidating two or more principal departments or all the functions thereof;
2. Continuing an agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made;
3. Authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is transmitted to the Legislature;
4. Increasing the term of an office beyond that provided by law for the office.”<sup>61</sup>

We have identified gubernatorial reorganization authority that is constitutionally based as more empowering than that based in statute. However, even if the legislature was amendable (and that is not likely in the current political environment), amending the constitution to provide this authority is not possible before 2013. Moreover, comparative research based upon the experience of forty states (but not New York) in 2004-2005 shows that, at least regarding the number of executive orders issued “...the variable for statutory or constitutional authority ... is not statistically significant.”<sup>62</sup> Under current circumstances, for those who seek thorough, timely reorganization of state government as one major element in addressing New York’s current crisis in governance, statutory action on the New Jersey model is a compelling template.

## RECOMMENDATIONS

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Based upon the research summarized above, Governor-Elect Andrew Cuomo should:

1. Determine whether he wishes to terminate organizational units that now exist entirely on the basis of executive orders, by rescinding those orders. (A list of these entities and the orders that created them is in the Resource section of this report).
2. Further consider whether he has the authority to eliminate entities within the Executive Department, even if created by statute, by virtue of his combined powers under the law as Governor and Department head; and
3. Cause to be drafted, introduced and seriously considered in the legislature a statute giving him authority to reorganize New York state government within a specified period of time.

## TABLE

### GOVERNATORIAL POWER TO REORGANIZE STATE GOVERNMENT

#### I. Power constitutionally granted, subject to two house veto (Governor most powerful)

STATE	DESCRIPTION
Alaska	In Maryland, the Legislature has fifty days to vote on the executive orders, whereas in Alaska and Michigan it has sixty days. Additionally, in Alaska and Michigan there are no restrictive provisions. In Maryland, the Governor is prohibited from abolishing or transferring all the functions of any agency or department that was created by the Constitution.
Maryland	
Michigan	

#### II. Power constitutionally granted subject to one house veto

STATE	DESCRIPTION
Illinois	In Illinois, Kansas and Massachusetts State Legislatures have sixty days to exercise the legislative veto. In North Carolina the deadline is the remainder of the current Legislative session. In South Dakota it is ninety days. North Carolina is the only state in this group where the Legislature can amend the Governor's plan. In North Carolina and Massachusetts there are no restrictions on the governor's power. Illinois Governors face five restrictions while those in Kansas and South Dakota each have one.
Kansas	
Massachusetts	
North Carolina	
South Dakota	

#### III. Power constitutionally granted, with legislature having to act affirmatively by legislation

STATE	DESCRIPTION
Indiana	The Constitution of Indiana contains four provisions restricting the governor.

#### IV. Power based in statute subject to two house veto

STATE	DESCRIPTION
New Jersey	In New Jersey, the legislative veto is by both houses, within sixty days. The statute granting the executive power contains six restrictions.

## TABLE

### GUBERNATORIAL POWER TO REORGANIZE STATE GOVERNMENT

CONTINUED

#### V. Power based in statute subject to one house veto

STATE	DESCRIPTION
California	A Legislative house in California and Missouri has sixty days to pass a resolution rejecting a Governor's plan; in Vermont ninety days are allowed. The Missouri and Vermont statutes contain only one restrictive provision; California has six.
Missouri	
Vermont	

#### VII. Reorganization power, but does not fit into any of the categories described above

STATE	DESCRIPTION
Arkansas	The Governor may initiate reorganization with an executive order only when the reorganization is needed for the State to meet guidelines to participate in Federal programs. This power is granted by statute, and both houses of the Legislature must act by the end of the legislative session to veto a plan.
Florida	Both Constitutional and Statutory provisions indicate that the Governor has some power to reorganize. Nowhere is a specific procedure established describing how the Governor may exercise this power. Additionally, Florida statutes and secondary literature suggest that the Legislature has historically led reorganizational efforts in this state.
Montana	The state code simply states, "The office of the governor shall continuously study and evaluate the organizational structure, management practices, and functions of the executive branch and of each agency. The governor shall, by executive order or other means within the authority granted to the governor, take action to improve the manageability of the executive branch."
Tennessee	The governor has the authority to create, consolidate and abolish divisions within departments created by statute. The Governor may also transfer functions from one department to another, with the exception of functions in the Department of Audit. Interestingly, all the departments that the Legislature creates have termination dates. Presumably, therefore, the Governor could attempt to persuade the Legislature not to extend them.

#### VIII. There is no explicit reorganization power provided by constitution or statute in the remaining twenty-nine states (Governor least powerful)



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## FOOTNOTES

- 1 “New New York Agenda: A Plan For Action: Andrew Cuomo’s Plan To Make New York Great Again,” Andrew Cuomo for Governor, 2010, p. 62.
- 2 Andrew Cuomo. *The New Agenda: A Plan for Action* <http://www.andrewcuomo.com/system/storage/6/34/9/378/acbookfinal.pdf> Chapter 3; Danny Hakim. “Cuomo to Propose Elimination of Many State Agencies,” *New York Times*, May 21, 2010 <http://www.nytimes.com/2010/05/22/nyregion/22cuomo.html>. Danny Hakim and Nicholas Confessore. “Cuomo Opens Campaign For New York Governor,” *New York Times*, May 22, 2010. <http://www.nytimes.com/2010/05/23/nyregion/23cuomo.html>
- 3 Richard Briffault. “State Constitutions in the Federal System,” in Gerald Benjamin (ed.) *The New York State Constitution: A Briefing Book* (Temporary State Commission on Constitutional Revision, 1994, p. 8)
- 4 Robert Williams. *The Law of American State Constitutions* (N.Y.: Oxford, 2009) p. 304. For a broad overview of the salient issues of separation of powers in the American states see, 4 Roger Williams U.L. Rev. (Fall 1998).
- 5 Article III, section 3.
- 6 Article IV, section 7.
- 7 Zimmerman, Joseph and Frank W. Prescott. *The Politics of the Veto of Legislation in New York State* (Washington, D.C.: University Press of America, 1980).
- 8 NYS Constitution Article VII. *Pataki v Assembly and Silver v. Pataki* 791 N.Y.S. 2d 458 (2004). See generally John T. Buckley. “The Governor – From Figurehead to Prime Minister: A Historical Study of the New York State Constitution and the Shift of Basic Power to the Executive,” *Albany Law Review* Volume 68 (2005) pp. 865 -907.
- 9 See, for example Kenneth R. Mayer. *With the Stroke of a Pen* (Princeton: Princeton University Press, 2001); William G. Howell. *Power Without Persuasion* (Princeton: Princeton University Press, 2003); Phillip J. Cooper. *By Order of the President; the Use and Abuse of Executive Direct Action* (Lawrence, KA: Kansas University Press, 2002).
- 10 Peter Galie. *The New York State Constitution: A Reference Guide* (N.Y.: Greenwood Press, 1991, p. 99)
- 11 375 N.E. 2d 157 (N.Y. 1978)
- 12 Brief of Plaintiffs-Respondents. *Rapp v. Carey* (argued by Bartley J. Costello, III of Hinman Straub, Pigors and Manning) pp. 17-18, citing *Fullilove v. Carey* 398 N.Y.S. 2d 226 (1977) in which “Mr. Justice Roger J. Miner...decided that Governor Carey’s Executive Order No. 45 requiring affirmative action programs constituted an unwarranted exercise of legislative Power.”
- 13 Galie (1991) p. 99.
- 14 49 N.Y. 2d. 515 (1980)
- 15 *Clark v. Cuomo* 63 N.Y. 2d. 96 (1984), quoted in Galie (1991) p. 99.
- 16 652 N.E. 2d 171 (N.Y. 1995)
- 17 See, Terrence A. Maxwell, “The Executive Branch,” in Gerald Benjamin (editor), *Oxford Handbook of NYS Government and Politics* (forthcoming)
- 18 See, Gerald Benjamin, “Reorganization of New York State Government,” *New York Affairs* Vol. 9, No. 3 (1986), 99-100.
- 19 Robert A. Caro, *The Power Broker: Robert Moses and the Fall of New York* (New York: Alfred A. Knopf, 1974), pp. 90-111.
- 20 *Ibid*, 139-142; Benjamin (1986), pg. 100.
- 21 Richard Chakerian, “Reorganization of State Governments,” *Journal of Public Administration Research and Theory*, Vol. 6, No. 1 (Jan, 1986), p., 25.
- 22 James K. Conant. “Executive Branch Reorganization in the States, 1965-1991” *Book of the States*, 1992-93 (Lexington, KY: Council of State Governments, 1993) pp. 64 – 73.
- 23 Michael B. Berkman and Christopher Reenock “Incremental Consolidation and Comprehensive Reorganization of American State Executive Branches” *American Journal of Political Science* Volume 48 (2004) pp. 796-812.
- 24 See Benjamin (1986) pp. 95-96.
- 25 Berkman and Reenock (2004) p. 798.

- 26 Henrik Dullea, "The Budget Process and the New York State Constitution," *NYSBA Government, Law, and Policy Journal*, Vol. 12, No. 1 (Spring 2010), pg. 25. See, William J. Ronan, "Proposed Reorganization of the Executive Branch of New York State Government (December 29, 1959), reprinted in Public Papers of Governor Nelson A. Rockefeller: Fifty-Third Governor of the State of New York, 1960.
- 27 The 20 department limit was retained, but their specification by name was eliminated by constitutional amendment in 1961.
- 28 Galie (1991) p. 112.
- 29 Executive Law. Article 3, Sections 30 - 31
- 30 Original Footnotes removed from text. Cuomo (2010) pp. 192-195 footnotes 70-77.
- 31 Williams (2009) pp. 304-305.
- 32 A data base of all Executive Orders issued by New York Governors since Nelson Rockefeller was compiled in connection with the research for this report, and is separately available in electronic format.
- 33 "Executive Orders and Administrative Control," *Public Administration Review* (Dec. 2008) pg. S23.
- 34 Executive Orders #87, (September 2, 1998), #87.1 (March 2, 1999); #87.2 (August 27, 1999); #87.3 (February 23, 2000); #87.4 (August 21, 2000).
- 35 Jim Rossi. "State Executive Lawmaking in Crisis" *Duke Law Journal*, Volume 56 (2006) pp. 237-277.
- 36 Executive Order 5.1 (January 2, 1995).
- 37 Michael S. Herman. "Gubernatorial Executive Orders" *Rutgers Law Journal* Volume 30 (1999) pp. 987- 1023, at 1016.
- 38 Executive Order #51 (May 20, 1997); Executive Order #57 (October 23, 1997).
- 39 Executive Order #11 (April 23, 2007); Executive Order #22 (January 23, 2008).
- 40 Executive Order #15 (February 20, 2009)
- 41 Executive Order #18 (May 5, 2009)
- 42 Article IX Section 2.b.2
- 43 Nelson Rockefeller. Public Papers of the Governor (1960) pp. 1393-1394.
- 44 Cuomo Report (2010) p. 71ff.
- 45 Kenneth J. Meier. "Executive Reorganization of Government: Impact on Employment and Expenditures" *American Journal of Political Science* Volume 24 (1980) p. 396.
- 46 Kenneth J. Meier (Aug. 1980) p. 410. Note that that Meir's dependent variable was decline in the rate of change of average increases the states had been experiencing in recent years.
- 47 James K. Conant, "In the Shadow of Wilson and Brownlow: Executive Branch Reorganization in the States, 1965 to 1987," *Public Administration Review* (Sept./Oct. 1988), 892-902. Importantly, Conant attributes the absence of a decline in employment and expenditures to the political costs of instituting layoffs, the addition of new programs in years after reorganization and the reinvestment of changes in some areas to support other underfunded programs. *See Ibid*, pg. 897.
- 48 Conant (1993) p. 70. See also his "Executive Branch Reorganization: Can It Be an Antidote for Fiscal Stress in the States?" *State and Local Government Review* Volume 24, pp. 3-11.
- 49 Michael B. Berkman and Christopher Reenock, "Incremental Consolidation and Comprehensive Reorganization of American State Executive Branches," *American Journal of Political Science*, Vol. 48, No.4 (Oct. 2004), Pg. 809.
- 50 Berkman and Reenock (2004) p. 809.
- 51 Conant (1988), pg. 897.
- 52 Berkman and Reenock (2004), pg. 809.
- 53 For a history of the federal government's early experience with executive branch reorganization and its influence on the later state government efforts see, Michael Holland and William Luking, "Executive Reorganization: An Examination of the State Experience and Article V, Section 11 of the 1970 Illinois Constitution," 9 Loy. U. Chi. L.J. 1 (1977-1978), pp. 3-14.
- 54 *Model State Constitution: Fifth Edition, Fourth Printing* (National Municipal League: New York, 1956) pp. 10-11.
- 55 Holland and Luking (1977-1978). See also, *Salient Issues of Constitutional Revision* (National Municipal League, New York, 1961) pg. 11.
- 56 *Book of the States* (Council of State Governments: Lexington, Ky., 2009) pp. 190-191.

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- 57 States listed in the *Book of the States* as having substantial executive reorganization authority but in which this authority is not confirmed by our research include: Colorado, Delaware, Georgia, Hawaii, Iowa, Louisiana, Maine, North Dakota, Oregon, Texas, and Utah. Note that we did find some limited authority in Louisiana, where the Governor may create agencies in the executive branch, but these only last for a year unless approved by the Legislature. In Georgia the Governor did in the past have reorganization powers but the Legislature repealed them as part of the 1972 Reorganization act. Note also that the *Book of States* does not list Pennsylvania, a state in which we found that there are gubernatorial reorganization powers.
- 58 See, for example, Margaret Robertson Ferguson, *The Executive Branch of State Government: People, Process, Places* (Oxford, England: ABC-CLIO, 2006) pp. 41-42.
- 59 p. 76, citing N.J.S.A. § 52:14C-4, 7(a), 7(9), 11.
- 60 N.J.S.A. Section 52: 14C – 3.2, 14C - 8.
- 61 N.J.S.A. Section 52: 14C -4.
- 62 Margaret R. Ferguson. “Unilateral Decision Making in the American Governorship” (Paper given at the State Politics and Policy Meeting, Austin Texas, February 22-25, 2007) p. 13
- 63 A list of the restrictions on executive reorganization authority enacted in the states is given in appendix II.
- 64 Note, although the power is constitutionally granted, the Legislature followed with an implementing statute further defining the responsibilities and restrictions.

# Resources

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## TABLES

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# TABLE

## MODEL EXECUTIVE ORDERS SINCE 1980

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## TABLE

### MODEL EXECUTIVE ORDERS SINCE 1980

Hugh Carey

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	2/16/1980	95	Declaring a disaster emergency in regard to bus transportation at the Lake Placid XIII Winter Olympic Games.	Directs the Commissioner of Transportation, in coordination with local authorities and private firms as deemed necessary to provide transportation to and from the Winter Olympic games. Also allows School Districts, via the Education Law, to lend buses for this purpose.
	2/21/1980	96	Creating the New York State Council on Housing and Community Development	Creates the Council, to include government members and three private individuals to review and coordinate the efforts of the different agencies involved in housing and community development policy, making recommendations to the governor. The council will be part of the Executive Branch.
	2/21/1980	97	Establishing the Alcohol and Highway Safety Task Force	Create Task force to assist the governor in the design of a comprehensive coordinated State plan to alleviate problems relative to alcohol and highway safety.
	2/21/1980	98	Designating the Dept. of Health as the State agency responsible for statistical activities under the Cooperative Health Statistics Plan System	Designating the Dept. of Health as sole agency in NYS to administer health-related statistics in order to comply with Federal legislation.
	3/13/1980	99	Establishing the NYS Olympic Facilities Study Committee	Creates committee to develop a comprehensive plan for promoting the use of the Olympic facilities in Lake Placid in a manner that ensures the economic development of that region and NYS as a whole.
	4/8/1980	100	Regulatory Procedures; plain language	To decrease the burden of regulations on private businesses and government, every agency that submits a new rule or regulation to the Secretary of State must also submit a regulatory impact statement that will also be published. Also requires rules and regulations to be written in plain language.
	5/8/1980	101	Declaring a disaster in the towns of Woodstock and Shandaken	Because of heavy rains, Governor directs the state and the Commissioner of Transportation to assist those towns in repairing transportation systems
	6/4/1980	102	Establishing a Panel to Review Scientific Studies and the Development of Public Policy on Problems Resulting from Hazardous Wastes	Establishing a panel to review scientific studies regarding the hazardous effects of material at the Love Canal and other Chemical sites around the State.
	12/19/1980	103	Establishing the Governor's Commission on the International Year of Disabled Persons	Creates a commission in honor of the U.N.'s designation of 1981 as the International Year of Disabled People with the goal of advancing disabled peoples' rights and improving existing State efforts in this regard.
	12/16/1980	104	Executive Order No. 104: Establishing a Governor's Conference for the Prevention of Developmental Disabilities and Infant Mortality	Creates a Governor's Conference to review existing action and to develop a Prevention Action Plan for use by the Legislature, State Agencies, and health, education and social service providers and the general public.
	7/27/1981	10.3	Superseding Executive Order No. 10.2 and Establishing the Board of Public Discourse	Creates a Board of Public Discourse and Requires that some senior officials of the Executive branch submit financial statements to it each year. It also prohibits the same officials from partaking in certain activities such as running for office and orders questions on the acceptability of an action be directed to the Board that this EO creates.

TABLE  
MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

Hugh Carey

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	1/12/81	105	Declaring a Disaster Emergency in the Towns of Bombay, Canton, and Brasher and on the St. Regis Indian Reservation and Directing State Agencies to Assist Authorities in Guaranteeing Public Safety and Projecting Property	Directs the Department of Transportation and other State agencies as may be necessary to assist local governments in fixing disaster
	1/5/81	106	Directing that the Chief of Staff to the Governor Order into Active Service the Organized Militia to Staff armories throughout the State in order to Provide Temporary Shelter for Individuals and Families without Heat during the Period of Severe Cold Weather	Chief of Staff directs militia to help people without heat for as long as deemed necessary.
	1/5/81	107	Declaring an Emergency in NYS and Directing the Office of General Services to Provide Equipment and Assistance to Aid in the Establishment of Temporary Shelters in NYS Armories	Declares the Cold Weather constitutes a disaster and directs the Office of General Services to assist local authorities in providing for people without adequate heat.
	3/11/81	108	Declaring a Disaster Emergency in the City of Port Jervis and the Town of Deer Park and Directing State Agencies to Assist Authorities in Guaranteeing Public Safety and Protecting Property	Directs State Agencies to assist local authorities
	3/19/81	109	Establishing an Executive Advisory Commission on the Administration of Justice	Creates a Private Citizen Commission to advise the Governor on how to further decrease crime rates
	10/14/81	110	Establishing the State Commission to Commemorate the Centennial of FDR	Establishes a Commission to Commemorate the Centennial of FDR and proclaim 1982 as FDR Memorial Year in the state of New York.
	10/28/81	111	Establishing a Management advisory Council and an Employee Relations Advisory Council	Establishes those two Councils to advise the director of employee relations in the development and implementation of employee programs; in regards to New York state employees
	10/28/81	112	Establishing the Employee Assistance Program Task Force	Creates a task force to assist Governor in the development of a comprehensive labor-management supported employee assistance program for all state workers.
	10/29/81	113	Declaring a Disaster Emergency in the Counties of Cayuga, Cortland, Montgomery, Onondaga and Tompkins and Directing State Agencies to Assist Authorities in Repairing, Restoring and protecting Highway Transportation Systems	Declares a disaster in those counties and authorizes state agencies to assist the counties in repairing, restoring, and protecting highway transportation systems
	10/29/81	114	Establishing an Executive Advisory Commission to Review Existing Laws Affecting the Authority and Operations of NY Insurance Companies	Establishes an Executive Advisory Commission on Insurance Industry Regulatory Reform to review existing policy and laws affecting NY insurance companies.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

Hugh Carey

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	11/11/81	115	Declaring a Disaster Emergency in the Counties of Tioga and Allegany and Directing State Agencies to Assist Authorities in Repairing, Restoring and Protecting Highway Transportation Systems	Declares a disaster occurred in these counties and directs state agencies to assist the counties in the repair, restoration, and protection of highway transportation systems.
	11/25/81	116	Directing that the Chief of Staff to the Governor Order into Active Service the Organized Militia to Staff Armories in the City of NY in order to Provide Emergency Temporary Shelter for Homeless Individuals during the Period of Cold Weather.	Directs the chief of staff to order into active service the militia for the time the chief of staff deems necessary in order to assist the Human Resource Administration of the city of NY to provide emergency temporary shelter to the Homeless during the Cold weather
	12/9/81	117	Prescribing Arrangements for Developing and Coordinating a State Program for Minority Business Enterprise	Lays out the function of the Commissioners of Commerce and general services in regards to minority owned businesses, Establishes the Governor's Executive Committee on Minority Business Development, Sets up Advisory Council for Minority Business Enterprise, lays out responsibilities of other State Departments, agencies, and Public authorities, and directs them all to make reports each year.
	6/1/82	118	Establishing the Council on State Priorities	On issues the Governor designates Council shall, a concise analysis of present policy, identify the stress points of public administration, and suggest the policy options available to deal with those difficulties. Members uncompensated but they may hire as much staff as necessary with the funds allocated to them. Directed to use existing staff and resources when possible. Also creates an advisory Council to the Council.
✓	6/15/82	119	Designating the Department of Environmental Conservation as the State agency responsible for planning the Forest Preserve Centennial celebration	Designates the New York State Department of Environmental Conservation as the lead agency responsible for the planning of events leading to the Forest Preserve Centennial decade celebration
✓	9/30/82	120	Establishing the State Council on Food and Nutrition	Creates Council which is interagency board directed to advise the Governor on the current distribution of the State's food and nutrition and recommend ways to improve this, including certain program. The Council is directed to rely on existing personnel and resources when possible, but chairperson of council can hire staff and assistants within the amount of funds allocated to it, and pursuant to the approval of the Director of the Budget.
	9/28/82	121	Establishing the Governor's Advisory Council on Highway Safety	Establishes Council of uncompensated members directed to foster the development of highway and traffic safety training, education and assistance programs in the private sector work force in the State of New York
	12/29/82	122	Establishing a Commission on Export Finance	Creates a 10 person uncompensated Commission to review, evaluate and make appropriate recommendations on proposed legislation to secure the establishment of a State-sponsored export financing entity
✓	Designates commissions where staff can be hired, although sometimes only upon approval of Governor or Director of Budget.			



# TABLE

## MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

### Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	1/11/83	1	Relating to the continued validity of executive orders previously issued	Continue all executive orders and initiates a review
✓	1/11/83	2	Establishing the Position of State Director of Criminal Justice	Creates a State Director of Criminal Justice and lays out that person's duties and responsibilities. No new staff.
✗	1/18/83	3	Establishing a Board of Public Disclosure	Establishes a Board with a few officials who will obtain financial disclosures from certain officials in the administration. Also establishes some ethical guidelines for officials. The board is allowed to hire a staff assistant whose salary they shall fix.
	2/15/83	4	Establishing the Emergency Task Force on the Homeless	Establishes 17 person task force to advise the Governor on developing and implementing policies dealing with NYC's homeless problem. Staff comes from existing agencies; no compensation for members of task force.
✓ Requires Staff. Creates a sizably burden for existing agencies	2/22/83	5	Establishing the Women's Division in the Executive Chamber*	Creates Women's Division to advise the Governor on issues relating to women, designates the Director as a cabinet member, sets up responsibilities of women's division. Creates an interagency task force on the issue, directs every agency to in turn create own task force and report their efforts in this area.
✓ Places a sizable burden on existing state agencies	2/18/83	6	Assigning responsibilities of the State Department of Civil Service, and certain State agencies for insuring equal employment opportunity for minorities, women, disabled persons and Vietnam era veterans in State government and establishing the Governor's executive committee for affirmative action*	Lays out responsibility of President of the Civil Service Commission in regards to affirmative action; creates the Governor's Executive Committee for Affirmative Action; Creates the Affirmative Action Advisory Council
✓	2/18/83	7	Establishing a Governor's Advisory Committee for Hispanic Affairs	Creates an advisory Council to Governor, outlines its membership powers, and responsibilities
✓	2/25/83	8	Directing State agencies to consider labor relations practices when awarding State contracts	Orders State agencies who award contracts to consider labor practices of any firm bidding
	3/4/83	9	Establishing the Judicial Screening Committees	Establishes a number of judicial screening committees to make lists of potential people the Governor may appoint as judges.
	5/17/83	10	Establishing a Job Training Partnership Committee	Creates non-compensated Board to advise the Governor on how to implement policies related to funding from the Federal Job Training Partnership Act of 1982, which gave states more responsibilities in job creation. Staff to come from existing agencies.
✓ Can maintain a fiancial consultant but mostly use of existing staff.	4/26/83	11	Expanding the membership and powers of the Securities Coordinating Committee*	Expanding the duties and membership of the NYS Securities Coordinating Committee, itself the creation of an executive order by Carey in 1977. Purpose is to coordinate the activities and regulate the issuance of debt instruments by state agencies. No staff, except fiancial consultant.

TABLE  
MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
✓	5/3/83	12	Directing the State Office for the Aging to review and comment upon policies affecting the elderly	Directs each division within the Executive Department and all other departments of the State to submit to the Office for the Aging for review all proposed legislation, regulations, orders, and plans which may significantly affect the lives or well-being of the elderly of the State.
	5/12/83	13	Declaring a disaster emergency in the counties of Broome, Chautauqua, Chemung and Tioga and directing State agencies to assist local authorities	Declares a weather-related emergency and directs state agencies to assist.
	5/12/83	14	Declaring a disaster emergency in the County of Oneida and directing State agencies to assist local authorities	Declares a weather-related emergency and directs state agencies to assist.
	5/16/83	15	Establishing an Interagency Task Force on Acquired Immune Deficiency Syndrome (AIDS)*	Establishes a task force of public officials to coordinate and create policies dealing with AIDS in the state. One task is for them to issue reports every 6 months. Staff comes from existing agencies.
	5/20/83	16	Establishing the Council on Fiscal and Economic Priorities	Establishes a 22 member council of private individuals who will assist the Governor in formulating fiscal policies for the state. Annual reports, staff comes from existing agencies, members receive no compensation.
✓	5/31/83	17	Establishing State Policy on Private Institutions which Discriminate	Restricts State officials and employees from sponsoring, organizing, attending or participating in any activity on State business with a private establishment that discriminates
	5/31/83	18	Establishing the Commission on Domestic Violence	Establishes a Commission for advising on law enforcement and other efforts to prevent domestic violence. Members receive no compensation, can ask for assistance/staff help from existing agencies, but also can hire their own help with the approval of the Director
✓	5/31/83	19	New York State Policy Statement on Sexual Harassment in the Workplace	Instructs the head of each department, agency, board, commission, or other entity under the jurisdiction of the Executive Branch to issue policy statements, conduct training, and develop guidelines for investigating allegations of sexual harassment, among other steps. It also defines what constitutes sexual harassment.
	6/25/83	20	Establishing a temporary Commission on Allocation of Power Authority Hydroelectric Power	Nine person council to advise on hydro-electric issues in the site.
	8/3/83	21	Prescribing arrangements for establishing a State program for contract compliance and minority and women-owned business enterprise	Creates the Office of Contract Compliance and Minority and Women-Owned Business Enterprise to develop procedures and other policies aimed at increasing the state contracts that go to women and minority owned businesses.
	8/23/83	22	Establishing the Task Force on Rural Development	Creates Task force of existing officials to coordinate and help formulate policy aimed at facilitating rural development.

# TABLE

## MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

### Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
✓ Secretary of State allowed to hire staff and personnel within funds allocated, and with approval of Director of Budget	9/1/83	23	Establishing the Office of NYS Ombudsman	Designates the Secretary of State as the NYS Ombudsman and directs the Secretary of State to establish the Office of the NYS Ombudsman in the Department of State as well as lays out that offices functions. Does have paid staff.
	9/20/83	24	Establishing the Select Commission on the Future of the State-Local Mental Health System	Review current mental health system and recommend policies for how the different level of governments can provide care for mentally ill. No compensation for members; staff work from existing agencies.
	9/30/83	25	Establishing the New York State Hazardous Waste Treatment Facilities Task Force	Creates task force and orders them to review current policy, hold public hearings, and then disseminate a report on how the State can meet future Hazardous waste requirements. Members will not receive compensation; staff and such will come from existing agencies.
✓	10/7/83	26	Directing the State Office of Advocate for the Disabled to review comment upon policies affecting person with disabilities.	Directs each division within the Executive Department and all other departments of the State to submit to the Office of Advocate for the Disabled for review all proposed legislation, regulations, orders, and plans which may significantly affect the lives or well-being of persons with disabilities in the state.
	10/18/83	27	Establishing the Office of Management and Productivity	Establishes Office and Director; purposes; duties and responsibilities; establishes an advisory Council, criteria for its membership, purposes. Duties and responsibilities.
	11/18/83	28	Establishing a Task Force on Sexual Orientation Discrimination	Prohibits state agencies and departments from discriminating on the basis of sexual orientation; directs the Office of Employee Relations to establish clear and consist guidelines on the matter and to implement a procedure for dealing with allegations that discrimination took place. Establishes a task force and designates which state officials will serve on it. The task force shall make recommendations and issue reports on the issue.
	12/8/83	29	Guidelines for the purchase of steel for use on construction contracts	Sets out criteria for agency and department heads to follow when implementing section 146 of State Finance Law. Also directs agency and department heads who find that the use of American steel would mean an unreasonable increase in cost of a certain contract to submit a report to the Director of State Operations outlining how they came to that conclusion.
	12/28/83	30	Declaring a disaster emergency in the City of Buffalo and directing State agencies to assist local authorities	Declares Disaster and further steps State agencies shall take

TABLE  
MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	12/29/83	31	Directing that the Chief of Staff to the Governor order into active service the organized militia to assist civil agencies and authorities in the City of Buffalo in disaster recovery efforts	Orders into service all active organized militia in the State to help deal with the emergency in the City of Buffalo (see previous order) and appoints Chief of Staff to the Governor as Commander of these forces.
	12/29/83	32	Renaming the New York State Office of Disaster Preparedness to be the New York State Emergency Management Office	Renames Office
	12/29/83	33	Directing the Commissioner of Environmental Conservation to conduct an industrial chemical survey	Directs the Commissioner of Environmental Conservation to develop a survey for the safe use and proper disposal of potentially toxic chemicals in the State; lists which facilities shall participate in the survey; requires new facilities seeking a permit fill out this survey; requires the Commissioner to take further steps (such as issue a report on his/her findings) after the survey is completed.
✓	1/13/84	34	Establishing the New York State Human Rights Advisory Council	Creates the Human Rights Advisory Council to encourage and promote the development and execution of programs designed to enhance human rights for individuals in NYS. It will also work to assist and analyze the State Division of Human Rights programs.
	2/23/84	35	Establishing the Governor's Advisory Council on Highway Safety*	The Council shall foster the development of highway and traffic safety training, education and assistance programs in the private sector work force in the State of New York. Members receive no compensation; existing agencies.
	3/5/84	36	Establishing the New York State Motion Picture and Television Advisory Board	Assist in the design, development and implementation of State policies, programs and strategies to enhance the development, growth and quality of the motion picture, television and related industries in this State. No compensation; staff from existing agencies.
		37	Establishing the Governor's Task Force on Adolescent Pregnancy	Develop recommendations on how to help groups of people significantly at risk for adolescent pregnancy; helping pregnant teens; adolescent mothers, and their families. No compensation, staff from existing agencies.
	4/5/84	38	Declaring a disaster emergency in Suffolk, Nassau, and Rockland Counties, New York City and contiguous areas	Declares weather related disaster, orders state help.
	4/5/84	39	Declaring a disaster emergency in the Counties of Orange, Sullivan, Ulster and Westchester, the City of Yonkers and contiguous areas	Declares a wealth related disaster in these areas, orders state help.
	6/27/84	40	Declaring a disaster emergency in Dutchess County	Declares a wealth related disaster in these areas (but orders it effective retroactively from May), orders state help.
	5/25/84	41	Establishing a comprehensive work force planning program	Develops a task force to help identify future trends that will affect State Workforce and ways to respond.

# TABLE

## MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

### Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
✕		42	Establishing the New York Voluntary Enterprise Commission*	The commission shall advise and assist the Governor in the development and implementation of policies designed to promote volunteerism and realize the fullest potential of the voluntary sector. No compensation for its members; should take advantage of current agencies but upon approval of Governor and Director of Budget can hire its own staff.
	8/9/84	43	Establishing a State program for voter registration	Establishes procedures for State voter registration. Creates Interagency Task Force who shall oversee these.
	7/13/84	44	Declaring a disaster emergency in Allegany County and portions of Steuben County	Declares a weather-related disaster; orders state help.
	8/6/84	45	Establishing the State Tourism Executive Committee	Creates Task force of existing officials for purpose of coordinating the development and implementation of the State's policies, programs, projects and strategies to enhance the State's attractiveness as a site for vacations, conventions and other visits, and to encourage the growth and quality of the travel and tourism industries in the State
✓	8/28/84	46	Naming the State Office Building Campus in Albany the Governor Averell Harriman State Office Building Campus	In the name
	9/5/84	47	Declaring a disaster emergency in Yates, Allegany and Steuben Counties and contiguous areas	Expands past declaration of emergency
➡	10/3/84	48	Prescribing procedures to allocate the private activity bond volume ceiling under the Deficit Reduction Act of 1984	Prescribes the actual limits, ceilings, and procedures in order to implement in Deficit Reduction Act of 1984. Has some bearing on local government.
	10/10/84	49	Establishing a Temporary Task Force on the New York Business Development Corporation	Establishes Task force to review the mission and resources of the New York Business Development Corporation and report on ways to improve its operations. Board members shall not receive compensation and shall utilize existing agencies resources.
➡	10/15/84	50	Prescribing supplemental procedures to allocate the private activity bond volume ceiling under the Deficit Reduction Act of 1984	Revises procedures dealing with local agencies in EO #48, giving order to local political subdivision.
	10/30/84	51	Designating the Division of the Budget to coordinate the intergovernmental review of Federal programs	designate the New York State Intergovernmental Review Process as the official mechanism through which New York State and its local governments can provide commentary into Federal decision-making as directed by Presidential executive order 12416 (April 8, 1983).
	11/8/84	52	Establishing the position of Director of Economic Development	Creates Position and sets out its responsibilities. Resources come from existing ones.
	11/19/84	53	Establishing a New York State Commission on Child Support	Establishes Commission and sets out its duties and responsibilities which relate to improving child care.
	12/12/84	54	Establishing the New York State Commission on Child Care	Slightly amends Executive Order # 54.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
✗	12/17/84	55	Establishing the State Industrial Cooperation Council	Creates council to identify and improve issues relating to industrial adaptation in the state. Members receive no compensation; can appoint an executive director but otherwise use existing staff.
✓ No staff	12/20/84	56	Establishing the New York State Task Force on Life and the Law	Sets out the membership, procedure, and powers and responsibilities of this new task force whose job is to look into the ethical questions associated with medical breakthroughs. No staff.
	12/4/85	57	Declaring a disaster emergency in the Counties of Lewis, Herkimer, Franklin, St	Declares weather related disaster, orders state help.
No staff	1/9/85	58	Establishing a World Trade Council	To strengthen and build upon existing private and public sector cooperation in advising and recommending policies to increase NY exports to International markets and otherwise increase International business opportunities for the state. No compensation; use existing staff and resources.
	1/22/85	59	Declaring a disaster emergency in the Counties of Erie, Genesee, Niagara, Orleans and Wyoming and contiguous areas	Declares weather related disaster, orders state help.
	1/22/85	60	Directing that the Chief of Staff order into active service the organized militia to assist authorities in guaranteeing public safety and protecting property in the County of Erie	Directs Chief of Staff to order in organized militia to deal with snow storm
	1/23/85	61	Declaring a disaster emergency in the Counties of Jefferson and Lewis and contiguous areas	Extends areas where disaster applies
	2/26/85	62	Declaring a disaster emergency in the Counties of Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and contiguous areas	Declares weather related disaster, orders state help.
	5/17/85	63	Creating the State Historical Records Advisory Board and the position of State Historical Records Coordinator	Creates The Board shall serve as an advisory and coordinating body for planning programs and projects for the collection, description, management and use of historical records
	5/31/85	64	Establishing the Statewide Bicycle Advisory Council	Creates council whose purpose is to recommend policies and other ways to promote the safe and efficient use of bicycles across New York State
	6/5/85	65	Appointing special commissioners to investigate the faithful execution of the laws and the relationship between government and police misconduct in the use of force	Appoints four officials to investigate the faithful execution of the laws and the relationship between government and police misconduct in the use of force, and to make recommendations for action to strengthen and improve practices and procedures relating to the faithful execution of the laws
✓ No staff	6/5/85	66	Establishing a Governor's Advisory Committee for Black Affairs	Creates a Committee, lays out the membership and procedure for nominating members, as well as the purposes and responsibilities of a Black Affairs Committee who advises the Governor on issues of particular concern for the Black community

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	6/5/85	67	Establishing the position of Director of Housing	Establishes position to advise and assist the Governor in the development and implementation of policies and programs to increase the production of decent, affordable housing.
	7/10/85	68	Declaring a disaster emergency in the Counties of Delaware, Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester, the City of New York, and contiguous areas	Declares disaster related to water shortages and orders State action.
	7/25/85	69-73 (copies of same order)	Designating Justice Felix K. Shea to hold an Extraordinary Special and Trial Term of the Supreme Court in and for the County of New York, in place of Justice Ernst H. Rosenberger.	In the name
	9/12/85	74	Establishing a State Records Management Council	The new council shall advise the Governor on the policies and management actions needed to improve the overall condition of records management in State agencies, reduce the unnecessary paper-work burdens State agencies may require from citizens, businesses and local governments, and aid in the identification, preservation and accessibility of the State's historical records
	9/27/85	75	Declaring a disaster emergency in New York City, Nassau, Suffolk, Westchester, Rockland, Orange and Putnam Counties and contiguous areas	Declares weather related disaster, orders state help.
	9/27/85	76	Directing that the Vice Chief of Staff order into active service the organized militia to assist authorities in guaranteeing public safety and protecting property in New York City, Nassau, Suffolk, Westchester, Rockland, Orange and Putnam Counties and contiguous areas	Directs Chief of Staff to order in organized militia to deal with Disaster declared in Executive Order #76.
✓	10/31/85	77	Establishing membership of the Martin Luther King, Jr Commission	Establishes a procedure for nominating members to the Commission which was established by Statue as well as further defining the duties and responsibilities of the Commission
	1/13/86	78	Establishing an Advisory Commission to Make Findings and Recommendations about Problems Relating to Liability Insurance	Establishes an Advisory Commission to Make Findings and Recommendations about Problems Relating to Liability Insurance and to study these matters and recommend possible legislative or administrative action.
✓	1/29/86	79	Establishing the Office of State Inspector General	to examine, investigate, and make recommendations with respect to the prevention and detection of fraud, abuse and corruption in the State agencies, departments and divisions of State government the heads of which are nominated or appointed by the Governor.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
✓	3/21/83	80	Juvenile Justice Planning	Designates the Division of Criminal Justice Services as the sole state agency to supervise the preparation, administration and implementation of the state's juvenile justice plan, as well as the federal regulations and funds with it.
	3/27/86	81	Designating Justice David S. Ritter to hold an Extraordinary Special and Trial Term of the Supreme Court in the County of New York	Declares a special trial term of the Supreme Court for a specific case and appoints a judge to oversee the trial.
✓ Only lists the director by name but it seems implied there will be some staff. Does direct the state agencies to assist the Office.	5/2/86	82	Establishing the Governor's Office for Hispanic Affairs	Establishes the Governor's Office for Hispanic Affairs as part of the Executive Chamber, as well as an Executive Director for that office. Sets out the purposes and responsibilities of that office.
	6/9/86	83	Requiring Attorney General to supersede District Attorney of Jefferson County with reference to certain criminal proceedings	Orders the AG to oversee a county trial in place of the district AG
	8/6/86	84	Declaring a disaster emergency in Cattaraugus and Chautauqua Counties and contiguous areas	Declares weather related disaster, orders state help.
	9/9/86	85	Establishing the Governor's School and Business Alliance Task Force	Establishes a task force who will advise the Governor on skills businesses need out of young workers and issuing guidelines for implementing the school business alliance.
✗	9/15/86	86	Establishing the Office of State Inspector General (Superseded by Cuomo EO #103)	Creates office and position within the Executive Department to to examine, investigate, and make recommendations with respect to the prevention and detection of fraud, abuse and corruption in the State agencies, departments and divisions of State government the heads of which are nominated or appointed by the Governor.
➡	10/24/86	87	Prescribing procedures to allocate the unified State bond volume ceiling under the Tax Reform Act of 1986	Setting out procedures for setting State bound ceiling in compliance with Federal Tax Reform Act of 1986. Sets out how the amount of bonds state agencies and political subdivisions can issue, based on population.
➡	1/15/87	88	Appointing special commissioners to investigate instances of corruption in the administration of government and to determine the adequacy of laws, regulations and procedures relating to government integrity	Creates 7 person Committee to investigate the management and affairs of any department, board, bureau, commission (including any public benefit corporation) or political subdivision of the State in respect to the adequacy of laws, regulations and procedures relating to maintaining ethical practices and standards in government. Orders every state entities including political subdivision to cooperate
	1/16/87	89	Requiring Attorney General to supersede District Attorney of Queens County with reference to certain criminal proceedings	Asks the AG to serve in a court case in Queen's County instead of the District AG, at the request of the latter.



# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
✗	2/6/87	90	Establishing a Governor's Task Force on Bias-Related Violence	Establish a task force of largely civilians to study what appear to be bias related crimes and advise the Governor on how to improve efforts to prosecute. Members don't get paid but, upon approval of Director of Budget can hire an executive Director and other staff as necessary.
	2/13/87	91	Prescribing procedures to allocate the State low income housing credit under the Tax Reform Act of 1986* (Superseded by Cuomo EO #135)	Using authority from Federal Tax Reform Act 1986 sets procedures for low incoming housing credit ceiling.
	3/31/87	92	Designating Acting Supreme Court Justice Marie G. Santagata to hold an Extraordinary Special and Trial Term of the Supreme Court in the County of New York, in place of Justice David S. Ritter	Replaces Ritter, who was appointed in EO #83, with new judge.
	4/7/87	93	Declaring a disaster emergency in Schoharie, Montgomery and Ulster Counties and contiguous areas	Declares a weather related disaster, orders state help.
	4/14/87	94	Declaring a disaster emergency in Delaware and Greene Counties and contiguous areas	Extends the areas covered under previous order
✓	4/15/87	95	Designating the Disaster Preparedness Commission as the State Emergency Response Commission	Designates the Disaster Preparedness Commission as the State Emergency Response Commission as the entity responsible for carrying out title III of the Federal Superfund Amendments and Reauthorization Act of 1986.
✓	4/27/87	96	Promoting a New York State policy against age discrimination in the workplace	Directs the head of each department, agency, board, commission, or other entity under the jurisdiction of the Executive Branch to issue a policy statement defining and prohibiting age discrimination, including it in training programs, informing employees of rights and redresses regarding age discrimination and annually reviewing all complaints
✓ Staff. See purpose for description	4/27/87	97	Designating the Governor's Traffic Safety Committee as the State Agency to coordinate and approve State highway safety programs	Reestablishes an interdepartmental committee regarding Traffic Safety, designates its members, and puts the Committee in charge of carrying out article 16-A of the Executive Law. The Committee may employ such additional personnel as it may deem necessary or desirable to fulfill the purposes of this Order and of article 16-A of the Executive Law.
✓ No staff	5/13/87	98	Establishing a new State Council on Graduate Medical Education	Establishes a Council to provide policy guidance to State policymakers regarding physician training programs in NYS, sets out its membership, powers and responsibilities.
	8/10/87	99	Restructuring the Interagency Task Force on Acquired Immune Deficiency Syndrome (AIDS) (Revoked and Superseded by Pataki EO #54)	Reorganizes the Interagency Task Force on Acquired Immune Deficiency Syndrome to provide for the direct participation by the Executive Chamber on the Task Force.
✓	8/31/87	100	Naming the Watertown State Office Building the Dulles State Office Building	In the name

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	9/30/87	101	Establishing the Governor's Office for Voluntary Service	Establishes office to increase volunteer efforts in the state. Creates a Director who can hire staff at he sees fit, subject to approval of Governor and Budget Director.
	10/4/87	102	Declaring a Disaster Emergency in the Counties of Albany, Columbia, Dutchess, Greene, Montgomery, Rensselaer and Contiguous Areas	Declares weather related disaster, orders state help.
	10/14/87	103	Establishing the Office of State Inspector General	Slightly amends Executive Order #86.
	11/2/87	104	Establishing a Task Force on Encouraging Electoral Participation	Creates 18 member Task force, with the Governor at the head, to try and increase voter participation in the state.
	11/12/87	105	Establishing the Governor's Task Force on Work and Family	Creates task force of existing officials with goals of improving child care and other activities to assist working parents. Utilizes existing staff.
	1/26/88	106	Requiring Attorney General to supersede District Attorney of Dutchess County with reference to certain proceedings involving Tawana Brawley	Orders the AG to oversee a Dutchess County trial in place of the district AG, at the latter's request
	1/29/88	107	Declaring a disaster emergency in the County of Suffolk	Declares weather related disaster, orders state help.
	1/26/88	108	Establishing a Regulatory Reform Program (Superseded by 108.1)	Establishes a Regulatory Reform Program to provide for the review of existing State regulations to reduce undue regulatory burdens and enhance the State's economy while assuring the adequacy of State regulations to protect the public health, safety, welfare and the orderly conduct of business.
	10/5/93	108.1	Continuing and Expanding the Regulatory Reform Program (Superseded by Pataki EO# 20)	Slightly expands EO#108, bringing in the private sector
	2/9/88	109	Establishing the Committee to Review Requests for the Appointment of a Special Prosecutor	Reestablish the existing Committee to Review Requests for the Appointment of a Special Prosecutor. All existing officials.
	6/27/88	110	Directing attendance of Attorney General at term of the Supreme Court, Bronx County	Directing AG to superseded regular District AG in case involving Cuomo and Rudy Giuliani, at that time a US District Attorney
✓	8/11/88	111	Directing the Attorney General to Inquire into Matters of Bias-Related Crimes	Requires the Attorney General to inquire into any crimes that may have been committed in violation of State laws regarding bias related crimes
	9/22/88	112	Establishing the New York State Christopher Columbus Quincentenary Commission	Creates commission of non-compensated citizens whose job is to plan a public celebration and encourage private celebrations of Columbus' 400 year anniversary.
	10/27/88	113	Directing the State Committee on Geographic Names to establish a procedure to identify and eliminate problem names from all State maps	Names to establish a procedure to identify and eliminate problem names from all State maps
✓	12/9/88	114	Naming the Poughkeepsie State Office Building the Eleanor Roosevelt State Office Building	direct that no map prepared by or for any division of the Executive Department or any other department of the State shall contain any derogatory racial, ethnic or religious name or other epithet and no use shall be made of any such derogatory name

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	12/19/88	115	Requiring Attorney General to supersede District Attorney of Hamilton County with reference to certain criminal investigations and proceedings involving Judge William H	Directs AG to supersede Hamilton County AG for high profile case
	12/28/88	116	Continuing the Office of Management and Productivity (Superseded by Pataki EO # 20	Continues the Office of Management and Budget
	12/28/88	117	Abolishing the Board of Public Disclosure	Abolishes public ethics board created in EO #3 because new state law is more extensive, making it unnecessary.
	12/28/88	118	Establishing an integrated energy resource planning process to be jointly implemented by the State Energy Office and the Departments of Public Service and Environmental Conservation	establish an integrated energy resource planning process to be jointly implemented by the State Energy Office, the Department of Public Service and the Department of Environmental Conservation, with input from other public and private entities, for the purpose of developing and periodically updating an integrated energy resource plan because legislation that had provided this authority had recently expired.
	1/6/89	119	Reconstituting the Job Training Partnership Committee	Reconstitutes the 50 member Job Training Partnership Committee, which is unpaid and expected to advise the Governor on Human Resource development in the state.
	1/20/89	120	Establishing the Statewide Anti-Drug Abuse council	Comprised of existing officials and staff, review and advise the Governor on how to strengthen drug prevention programs.
	11/3/90	120.1	Establishing the statewide anti-drug abuse council	Revises the first anti-drug council, adds a few more members.
	3/16/89	121	Declaring a disaster emergency in the Counties of Delaware, Dutchess, Greene, Orange, Otsego, Putnam, Rockland, Schoharie, Sullivan, Ulster and Westchester, the City of New York and contiguous areas	Declares a weather related disaster, orders state help.
	4/5/89	122	Requiring Attorney General to supersede District Attorney of Orange County with reference to certain proceedings and the investigation of the death of Jimmy Lee Bruce, Jr	Requires the AG to oversee Orange County trial instead of regular District Attorney.
✕	4/19/89	123	Establishing the Office for the Prevention of Domestic Violence	Establishes the New York State Office for the Prevention of Domestic Violence shall advise the Governor and the Legislature on the most effective ways for State government to respond to the problems posed by domestic violence. Governor appoints and fixes the salary of an executive director, who in turn can hire additional staff.
	5/2/89	124	Requiring Attorney General to supersede District Attorney of Suffolk County with reference to certain proceedings and the investigation of illegal eavesdropping and perjury allegations	Requires AG to supersede District AG for cases dealing with certain complications.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
✓ No staff	5/22/89	125	Establishing a Council of Contracting Agencies	Creates within the Executive Department a Council of Contracting Agencies which shall establish procedures for the systematic collection and timely exchange of information relevant to the responsibility and reliability of bidders, contractors and subcontractors; this includes a uniform questionnaire. The order also designates the membership of this council and orders it to make an annual report of its activities. Next, it also creates responsibilities for other agencies in the retention of information regarding the contractors they work with.
	7/10/89	126	Establishing a Task Force on Rape and Sexual Assault	Task force of both officials and non-compensated private citizens; study certain questions regarding state law and policy towards rapes
	7/21/89	127	Establishing the Not-for-Profit Contracting Process	Establishes a procedure for state agencies to follow when contracting with non-for profits. Also creates a small advisory board to help create the procedures.
	8/31/89	128	Requiring Attorney General to supersede District Attorney of Kings County with reference to certain criminal proceedings	Requires AG to supersede District AG for cases dealing with certain complications.
	7/21/89	129	Implementation, operation and enforcement of New York State's Returnable Container Act	Appoints five commissioners to review and advise on how to strengthen the New York State Returnable Cans Act
✓	12/4/89	130	Creating a Crime Proceeds Strike Force to Investigate and Prosecute Certain Economic Activities Constituting Penal, Tax, and Banking Law, Violations Relating to Money Laundering	Creates a Strike Force on Crime Proceeds, sets out its membership, its duties and responsibilities and authorizes the Attorney General or his/her designated Deputy or Assistant to go after anyone indictable for money laundry or by this Strike Force.
✓	12/26/89	131	N/A	Sets out the standards and procedures for administrative adjudication when undertaken by any agency, department, etc. Also requires each agency, department, etc. responsible for administrative adjudication to publish a plan and hold public meetings on such.
	1/2/90	132	Establishing a State Facilities Energy Conservation Program	Directs a number of state agencies to to undertake a State Facilities Energy Conservation Program, which will establish and implement a plan to undertake energy efficiency and conservation measures and reduce energy costs in State buildings and operations
	1/4/90	133	Establishing the Forms Simplification/reduction Program Advisory Council	Orders the The Office of Business Permits and Regulatory Assistance will develop, implement, coordinate and monitor a plan to continue the active participation of all State agencies in the Forms Simplification/Reduction Program. Creates an interagency advisory council to support this effort.
	1/29/90	134	Establishing the Judicial Screening Committees	Supersedes and slightly alters EO# 09.
	9/10/92	134.1	Establishing the Judicial Screening Committee	Supersedes and slightly alters EO# 134
	5/26/93	134.2	Establishing the Judicial Screening Committees	Supersedes and slightly alters EO# 134.1

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
✓	2/27/90	135	Prescribing Procedures to Allocate the State Low Income Housing Credit Under the Tax Reform Act of 1986 as amended	Sets out the procedures for the allocation of money from the Federal Government for the Low Income Housing Tax Credit per the Tax Reform Act of 1986.
	3/3/90	136	Establishing a State Program for Voter Registration	Outlines a program for Voter Registration and creates an interagency task force to coordinate the implementation of this program. This replaces the previous EO on the subject (#43).
	3/6/90	137	Establishing a Committee for the Implementation of Real Property Asset Management and Policy	Creates the the Real Property Planning and Policy Review committee to develop an administrative process, consistent with applicable law, to review, analyze and oversee the transfer, rededication or conveyance of the State's real property.
	7/13/90	138	Requiring Attorney General to supersede District Attorney of Orleans County with reference to certain proceedings and the investigation of unlawful acts in relation to a conservatorship in Orleans County	Requires AG to supersede District AG for cases dealing with certain complications.
	11/7/90	139	Termination of requirement of Attorney General in relation to certain crimes committed by public servants in the Counties of New York, Bronx, Queens, Kings and Richmond	Revokes requirements of AG from certain EO's from 1972
	12/7/90	140	Establishing the New York State Task Force on Implementation of the Americans with Disabilities Act of 1990	Creates task force to assist with implementing the Americans with Disabilities Act of 1990. Members are mostly gov't officials but also include a few non-compensated private citizens. Staff work will be done by existing gov't employees.
	1/3/91	141	Authorizing the Citizen's Utility Board access to State agency mailings	Creates the Citizen Utility Board and makes it the single statewide entity representing the interests of residential utility customers throughout New York State. Membership open to all customers of utilities but there is a membership fee.
	1/16/91	142	Establishing new waste reduction and recycling initiatives for State agencies	Orders State agencies to take certain steps to reduce the amount of solid waste generated, to recycle material recoverable from the solid waste originating at their facilities, and to maximize the procurement of recycled products
	3/5/91	143	Declaring a disaster emergency in the Counties of Allegany, Jefferson, Livingston, Monroe, Ontario and Wayne and contiguous areas	Declaring a disaster emergency in the Counties of Allegany, Jefferson, Livingston, Monroe, Ontario and Wayne and contiguous areas
	4/3/91	144	Requiring Attorney General to supersede District Attorney of Nassau County with reference to certain proceedings and the investigation of the death of Ricky McCargo	Requires AG to supersede District AG for cases dealing with certain complications.

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MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	6/27/91	145	Establishing the position of State Director of Health, Education and Human Services	establishes the position of State Director of Health, Education and Human Services which, for the most part, acts as a liaison and coordinator between different agencies on this subject. Not authorized to hire new staff members.
	7/1/91	146	Establishing the Position of State Director of Housing (Supersedes Cuomo EO #67)	Creates position to oversee the Office of the Director of Housing and will advise and assist the Governor in the development and implementation of comprehensive policies and programs to promote and support the development, preservation and rehabilitation of decent affordable housing. Ordered to use existing staff.
✓ See purpose for more info on staff	7/31/91	147	Establishing an Office of Indian Relations	Establishes an Office of Indian Relations, creates a Director to head that office, and lays out the duties and responsibilities of the Office and Director. The Director may appoint such officers and employees, agents, consultants and other staff as the Director may deem necessary, prescribe their duties, fix their compensation where allowable and provide for reimbursement of their actual and necessary expenses within amounts available therefor by appropriation.
	8/19/91	148	Declaring a Disaster Emergency in the Counties of Nassau and Suffolk and Contiguous Areas	Declares a weather related disaster, orders state help.
	9/23/91	149	Toward a diverse judiciary—Task Force on Minorities on the Bench	Establishes a task force to identify why there is not more minorities on the NYS bench and recommend ways to improve this.
✓	10/9/91	150	New land use and development by State agencies within the Adirondack park	Establishes procedures that new land use and development by State agencies within the Adirondack Park undergo the same level of Adirondack park Agency review as is demanded of private developers.
	10/9/91	151	The Adirondack Park Centennial	Designating Adirondack Park Agency as the lead agency for planning, organizing and coordinating of events and activities constituting an appropriate celebration of the Adirondack Park Centennial
	11/1/91	152	Declaring a Disaster Emergency in Nassau and Suffolk Counties, the City of New York and Contiguous Areas	Declares a weather related disaster, orders state help.
	2/10/92	153	Establishing an Advisory Council on Long Island Transportation Development	Establishes Advisory council, with membership including state and local officials. Council shall examine potential development of new transportation facilities and services on Long Island; Examine the establishment of a Long Island Transportation Development Authority.
	3/24/92	154	Creating a Task Force on Sexual Harassment (Superseded by 154.1)	The task force shall study the issue of sexual harassment in public and private sector workplaces and provide a final report to the Governor on or before December 1, 1992. Membership shall include mostly state officials but also some private citizens. No compensation or new staff.
	12/8/92	154.1	*Creates a Task Force of Sexual Harassment	Extends task force's time to complete the report to 9/1/1993

# TABLE

## MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

### Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	5/15/92	155	Establishing the New York State advisory commission on racing in the 21st century	Study why racing industry has declined, and determine if there exists way to increase it. The report of the Commission shall be issued to the Governor and the Legislature by June 1, 1993. Membership shall be non-compensated private citizens appointed by Governor and leaders in Legislature. Use existing staff.
	6/8/92	156	Establishing a negotiated rule making program	Creates procedures for how agencies will proceed with negotiated rule making decisions.
	6/10/92	157	GOVERNOR'S COUNCIL on lifetime health, fitness and sports	The mission of the Council is to foster and encourage New York residents, through schools, worksites, and communities, to participate more actively in health and fitness activities that will promote healthier, happier and more productive lives. There is also created a Committee for the same purpose. No compensation will be given to those participating in either.
✓	6/23/92	158	Naming the New Scotland Avenue Laboratory Building the David Axelrod Institute for Public Health	Description in name
✗	11/4/92	159	Establishing the New York Savings Bond Program Committee	Establishes a Committee shall be responsible for coordinating a New York Savings Bond Program, which shall include the marketing and distribution of low-denomination tax exempt savings bonds. Designates what advantages any bond designated by the committee as a saving bonds will have. Authorizes the Committee to contract financial and legal advisers that may be needed for the program. Membership is comprised of state officials.
	11/17/92	160	Directing a review of the criminal investigation and prosecution arising from the murder of Yankel Rosenbaum	Appoints Richard H. Girgenti, the Director of Criminal Justice and Commissioner of the Division of Criminal Justice Services to review and issue a written report on the investigation of the murder and the court case that followed where only one person was convicted, purpose is to restore people's confidence in criminal justice system.
	11/18/92	161	Establishing the temporary state commission on judicial compensation	The Commission shall be responsible for examining, evaluating and making recommendations to the Governor and the Legislature with respect to judicial compensation. Shall issue an interim and final report, the latter of which shall be completed by 6/1/1993. No compensation for five members of the commission; no new staff.
	12/11/92	162	Declaring a disaster emergency in the counties of Nassau, Suffolk, Westchester and Rockland counties and the City of New York and Contiguous areas	Declares a weather related disaster, orders state help.
	12/12/92	163	Directing that the Adjutant General order into active service the organized militia to assist civil agencies and authorities in Nassau, Suffolk, Westchester and Rockland Counties, the City of New York and their contiguous areas in disaster recovery efforts	Orders militia into service to help with disaster that was declared in previous order.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	12/31/92	164	Establishing quality through participation in state government	Establishes a new initiative that, along with a partnership with the private sector, shall improve the quality of the state government's quality in serving the people of the state. Part of the program deals with improving state officials working in state government.
	2/9/93	165	Requiring Attorney General to supersede District Attorney of Delaware County with reference to certain proceedings and the investigation of alleged acts of evidence tampering and perjury by employees or former employees of the Division of State Police	Appoints Nelson E. Roth, Esq., of Ithaca, New York as a special investigator to examine and investigate any and all allegations or evidence that an employee or former employee of the Division of State Police fabricated or manipulated fingerprint or other forensic evidence or testified falsely in relation to any such evidence where such acts relate to an investigation or prosecution conducted in Delaware County. Requires that the AG supersede the district AG in these aspects.
	2/5-9/1993	165.1-165.8	Requiring Attorney General to supersede District Attorney of Cortland County with reference to certain proceedings and the investigation of alleged acts of evidence tampering and perjury by employees or former employees of the Division of State Police	Same as 165 except for Cortland, Otsego, Tompkins, Broome, Chenango, Tioga and Rockland counties.
	7/22/94	165.9	Authorizing payment of costs incurred by special prosecutors and district attorneys for the investigation and prosecution of cases arising from alleged acts of evidence tampering and perjury by employees or former employees of the Division of State Police	Authorize payment to special prosecutors and district attorneys appointed or employed under County Law sections 701 or 703 for expenses incurred due to the actions authorized in Eos #165-165.8
	3/13/93	166	Declaring a Disaster Emergency in the State of New York	Declares a weather related disaster in the whole state, orders state help.
	3/15/93	167	Directing that the Adjutant General Order into Active Service the Organized Militia to Assist Civil Agencies and Authorities in New York State in Disaster Recovery Efforts	Orders the organized militia into service for helping with the disaster declared in the previous order
❖	3/22/93	168	Directing the Merger of the Office of Management and Productivity into the Office of Business Permits and Regulatory Assistance* (Superseded by Pataki EO #20)	Effective April 1, 1993, all of the functions and powers possessed by, and all of the obligations and duties of, the Office of Management and Productivity and the Management and Productivity Advisory Council, as created by Executive Order No. 27 and continued by Executive Order No. 116, are hereby transferred and assigned to, assumed by and devolved upon the Office of Business Permits and Regulatory Assistance and the Director thereof, as may be applicable.
✓	3/22/93	169	Directing State Agencies to Act consistently with the Upper Delaware River Management Plan	Designates the Department of Environmental Conservation as the State agency to coordinate the implementation by State agencies of the River Management Plan and to also receive and administer any federal grants given to the state for that purpose
✓	3/24/93	170	Establishing Uniform Guidelines for Determining the Responsibility of Bidders	Creates Guidelines for State agencies to determine the Responsibility of potential contractors for State projects



# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
✓	6/23/93	170.1	Establishing uniform Guidelines for Determining the Responsibility of Bidders	Reestablishes the principles
✗	5/17/93	171	Appointing a Special Commission on Educational Structure, Policies and Practices	Establishes a commission to examine and investigate the expenditures, management and affairs of school districts and BOCES and to make recommendations to strengthen and improve practices, procedures and regulatory or statutory provisions related thereto, with the following duties, powers and authorities. The Commission shall have the power to employ such counsel, deputies, officers and staff and other persons as the Commission may require to fulfill its duties and responsibilities and to fix their compensation, and shall have the power to contract with outside consultants for expert auditing and financial assistance.
	6/23/93	170.1	Establishing uniform Guidelines for Determining the Responsibility of Bidders	Reestablishes the principles
	5/17/93	171	Appointing a Special Commission on Educational Structure, Policies and Practices	Establishes a commission to examine and investigate the expenditures, management and affairs of school districts and BOCES and to make recommendations to strengthen and improve practices, procedures and regulatory or statutory provisions related thereto, with the following duties, powers and authorities. The Commission shall have the power to employ such counsel, deputies, officers and staff and other persons as the Commission may require to fulfill its duties and responsibilities and to fix their compensation, and shall have the power to contract with outside consultants for expert auditing and financial assistance.
	5/17/93	172	Establishing a Temporary Commission on Constitutional Revision	Commission shall make concrete recommendations concerning the facilitation of the constitutional change process in New York State, provide an objective and non-partisan outline of the range of constitutional issues that the Commission has identified as a result of its work throughout the State and recommend the timing of and manner in which any proposed constitution or constitutional amendments shall be submitted to a vote of the people of the State. Members appointed by Governor out of those working for Rockefeller Institute; non-compensated.
	7/28/93	173	Establishing Public Authorities Accountability	Puts more strident accountability standards on Public authorities. Mostly making
	8/26/93	174	Requiring Attorney General to supersede District Attorney of Westchester County with respect to the investigation of the death of Kevin Turner	Directs the AG to investigate the investigation of Kevin Turner's death and, if he deems necessary, supersede the District AG.
	8/31/93	175	Requiring Attorney General to supersede District Attorney of Warren County with respect to the investigation into the allegations regarding William Montgomery and Jeffrey Matte	Directs the AG to review a report that was published in relations to Warren County investigation and to supersede the District AG in those cases.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	3/7/94	175.1	Requiring Attorney General to supersede District Attorney of Warren County with respect to the investigation into the allegations regarding William Montgomery, Jeffrey Matte and any other allegations related to or committed incident to these allegations or discovered in the investigation or prosecution thereof	Extends the cases from Warren County that the AG should look into and, as he deems necessary supersede the District AG.
	9/24/93	176	Establishing a Task Force On Military Base Conversion	Creates Task force that examines (including through public hearings) the economic, environmental, and other impact of scheduled closings of military installments in the State on local communities. Investigate ways to minimize this impact. Membership is comprised of state officials, local officials, and private citizens (doesn't address the issue of compensation but the members serve at the pleasure of Governor.) Will only draw on existing staff.
	11/22/93	177	Establishing a Commission for the Study of Youth Crime and Violence and Reform of the Juvenile Justice System	Commission shall examine the extent and effect of Youth Violence in the State. Look for ways to decrease youth violence, including looking into existing laws and criminal justice system. Membership is non-compensated private individuals using existing state employees and resources.
	12/17/93	177.1	Establishing a Commission for the Study of Youth Crime and Violence and Reform of the Juvenile Justice System	Enlarges size of Commission that was established in previous Order
	12/7/93	178	Establishing the Temporary Task Force on Health Insurance for Retired Educational Employees	The Task Force shall examine issues relating to continued health insurance coverage for retirees of local educational units, including the merits and potential costs of providing such coverage. The Task Force shall make recommendations to the Governor and the Legislature by May 31, 1994 on a policy and process for ensuring that retiree benefits are treated equitably. No compensation for members; use of existing staff.
✓	12/30/93	179	Establishing the New York State Commission on National and Community Service	Establishes a Commission on National and Community Service to help NYS comply and enact the federal government's National and Community Service Trust Act of 1993, among other things. The order lays out how many members the commission will have, how they will be selected, as well as their duties and responsibilities and their coordination with other State agencies and other programs.
	2/17/94	180	Requiring Attorney General to Supersede District Attorney St. Lawrence County with respect to the investigation into allegations involving Mario Pistoletti, Mark Hartle, David Cummings, Michael Curcio and Greg Streeter	Requires AG to supersede District AG for certain cases.
	3/17/94	181	Returnable Container Act	Establishes a Commission to help implement the Returnable Container Act and directs the AG to appoint the Commissioners and fix their compensation.

# TABLE

## MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

### Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	9/1/94	181.1	Extends the cases from Warren County that the AG should look into and, as he deems necessary supersede the District AG.	Extends the time the Commissioners have to issue the report until 5/1/1994.
	4/27/94	182	Establishing a temporary commission on high speed rail and maglev transportation development	Establishes a Commission to investigate the economic potential of a high-speed rail and certain aspects required in building one. Commissioners shall be uncompensated and shall use existing staff and resources.
	8/9/94	183	Requiring the attorney general to supersede the district attorney of Seneca county with respect to the investigation into allegations regarding the operations of the Seneca county sheriff's department	Requires the AG to supersede District Attorney for investigations regarding Seneca County Sheriff's Dept.
	8/15/94	184	Requiring the Attorney General to Supersede the District Attorney of Delaware County With Respect to the Prosecution of the Homicide Allegations Regarding John Spencer	Requires AG to supersede District Attorney in a murder prosecution
	8/31/94	185	Establishing a Permanent Labor/Management Committee on Workers' Compensation Reform	Establishes a Committee to serve as a permanent forum where representatives from labor and management can work together to review the Workers' Compensation system and recommend improvements. Members will be from business and labor unions, receive no compensation, and use existing resources and staff.
	9/6/94	186	Creating a Task Force on the Skills, Training and Career Advancement of Direct Care Workers Providing Services to Individuals With Disabilities	The Task Force shall study the skills, training and career advancement of direct care workers who provide health, education and other human services to New York State residents with disabilities. Doesn't address compensation or staff.
	9/26/94	187	Advancing the Governor's Excelsior Award Program as a Continuing Cooperative Effort Between Excelsior Award, Inc	Increases and encourages further cooperation of NYS with Excelsior Award, Inc. in their work.
	9/28/94	188	Increasing the Participation of Health Care Consumers in Government Advisory Bodies	Directs the Commissioner of Health to review the composition of health care policymaking and advisory bodies to determine how many members are health care consumers or representatives of health care consumers. Also directs the The Health Care Consumer Advisory Committee to assist the Commissioner in compiling a diverse list of consumers and consumer representatives who will be available to serve as consumer representatives on health care policymaking and advisory bodies as vacancies in such bodies occur.
	10/28/94	189	Limiting the Influence of Lobbyists on the State Agency Procurement Process	Directs each state agency to award procurements solely on merit. Directs each state agency to appoint a Procurement Integrity Officer who will have primary responsibility for limiting the influence of lobby organizations on procurement, including developing procedural controls (which must be approved by agency head) designed to prevent any exposure of the agency's contracting process to improper lobbying influence.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## Mario Cuomo

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
✕				Designates commissions where staff can be hired, although sometimes only upon approval of Governor or Director of Budget.
➡				Designates some effects on local government.
❖				Designates a significant reorganization action
✓				Executive Order still in force

## George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	1/2/95	1	Ordering a Freeze on Hiring	Orders a hiring freeze upon all entities which he has executive power over. In addition, orders the Director of the Budget to issue guidelines for implementing the order, and a way for exemptions to be made.
	1/5/95	2	Ordering a Moratorium on Proposed Rules and Regulations	Establishes a 90 day moratorium on the adoption of any rule or regulation proposed pursuant to the State Administrative Procedure Act by any entity which the Governor has executive power over (some exceptions can be made). During these 90 days, each entity shall review current rules and regulations and submit written reports on ways to modify or withdraw rules and regulations that unduly burden the economy.
	1/5/95	3	Continuation and Review of Prior Executive Orders	Orders the Counsel to the Governor, in conjunction with other officials, to review and evaluate all EO's currently in effect within 90 days. Additionally, declares all previous EO's will remain in effect unless any specific action is taken. Prohibits entities that were created with an EO from entering into any financial or contractual obligations until the review is ended.
	1/10/95	4	Continuing the Commission for the Study of Youth Crime and Violence and Reform of the Juvenile Justice System	Continues EO 177 (Cuomo) with some amendments in membership and to the report.
	1/24/95	5	Ordering that the Commissioner of the Department of Correctional Services Bar the Transfer of Certain Inmates Sentenced as Violent Felony Offenders to Temporary Release Programs and Residential Treatment Facilities	Directs the Commissioner of the Department of Correctional Services to amend or adopt any rules or regulations which prohibit criminals convicted of specific types of crimes listed in the order from participating in the early release program.
	1/31/95	6	Requiring the attorney general to supersede the district attorney of Otsego County with respect to the prosecution of the homicide allegations regarding Colin Hyde	In title
	4/5/95	7	Ordering a Moratorium on Proposed Rules and Regulations	Extends EO #2 through 6/30/1995.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	5/12/95	8	Establishing the New York state Advisory Commission on Privatization and the New York State Research Council on Privatization	Creates both a Commission and Council on Privatization; denotes its members or how members will be chosen as the case may be and their duties and responsibilities.
	5/16/95	9	Requiring the Attorney General to Supersede the District Attorney of Westchester County with Respect to a Certain Matter	In title; certain matter refers to the New York State Affordable Housing Corporation receiving an application from the Housing Action Council in Westchester which allegedly contains false information, Governor Pataki is somehow acquainted with the people involved.
	4/25/95	10	Establishing Judicial Screening Committees to Ensure that Judicial Officer Appointments are of the Highest Quality	Amends Judicial Screening Committees that had been created in previous EO's. Sets out purposes, duties, and responsibilities of judicial screening committees, creates them at the State, Department, and County level, and designates who will serve on each.
	4/25/95	11	Establishing a Temporary Judicial Screening Committee to Ensure that Judicial Officer Appointees are of the Highest Quality	Establishes a Temporary Judicial Screening Committee, until the ones created by the previous order are fully operational; determines how members will be chosen; lays out its duties and responsibilities which are similar to the ones created in the previous order.
	4/25/95	12	Establishing the Committee to Evaluate and Recommend Candidates for Appointment as Interim District Attorney or Sheriff	Creates Committee; lists who will serve on it by name; its powers and responsibilities.
	4/25/95	12.1	Establishing the Committee to Evaluate and Recommend Candidates for Appointment as Interim District Attorney or Sheriff	Extends EO #12 but amends the memberships
	4/28/95	13	Ordering the Director of the Division of Probation and Correctional Alternatives to Bar the Diversion Under the Probation-Eligible Diversion Program of Felony Sex Crime Offenders from State Prison Sentences	Orders that the State Director of the Division of Probation and Correctional Alternatives to prohibit felony sex offenders from being eligible for the Probation-Eligible Diversion Program, which allows alternatives to jail-time for first time non-violent felony offenders.
	7/6/95	14	Ordering a Moratorium on Proposed Rules and Regulations	Extends EO # 2 through 9/30/1995
	7/18/95	15	Declaring a Disaster Emergency in the Counties of Jefferson, Lewis, St. Lawrence and Contiguous Areas	Declares Disaster and further steps State agencies shall take
	8/24/95	16	Declaring a Disaster Emergency in Suffolk County and Contiguous Areas	Declares Disaster and further steps State agencies shall take
	9/1/95	17	Ordering That the Commissioner of the Department of Correctional Services Bar the Transfer of Certain Inmates Sentences as Homicide Offenders or Sex Offenders to Temporary Release Programs and Residential Treatment Facilities	Directs the Commissioner of the Department of Correctional Services to change rules and regulations as may be necessary from time to time to prevent anyone convicted of any homicide offense, certain sex offenses, or any attempt or conspiracy to commit these crimes from partaking in any temporary release program or residential treatment facility.
	9/22/95	18	Establishing the Ad Hoc Task Force on New York's Prospective Hospital Reimbursement Methodology	Establishes Committee, number of members, and duties and responsibilities.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	10/25/95	19	Discontinuing Access by the Citizens' Utility Board to State Agency Mailings	Revokes EO 141 (Cuomo 1991), which gave the Citizens' Utility Board access to State agency mailings.
✓	11/30/95	20	Establishing the Position of State Director of Regulatory Reform	Creates Position, responsibilities of the position, criteria for evaluating proposed rules, procedures state agency heads, the Director, and other officials the Order lists must follow for new rules and regulations for deciding on whether to adopt a new rule.
	1/7/96	21	Declaring a disaster emergency in New York City and the counties of Westchester, Putnam, Rockland, Orange, Nassau, and Suffolk	Declares a weather related disaster and orders state action
	1/8/96	21.1	Declaring a disaster emergency in New York City, the counties of Westchester, Putnam, Rockland, Orange, Nassau, Suffolk, Sullivan, Dutchess, Ulster, Columbia, and their contiguous areas	Extends areas covered under emergency declared in last order.
	1/7/96	22	Directing that the adjutant general order into active service the organizer militia to assist authorities in alleviating the effects of a severe snowstorm and guaranteeing public safety	Calls state militia into active duty in regards to emergency declared in Order 21
	1/8/96	22.1	Directing that the adjutant general order into active service the organized militia to assist authorities in alleviating the effects of a severe snowstorm and guaranteeing public safety	Extends the state militia's work to areas included in EO #21.1
	1/10/96	23	Establishing a commission for the review of the child protective system in New York state	The Commission will be responsible for conducting a comprehensive examination and review of current state laws and regulations concerning child abuse, the child protection system, and the confidentiality laws relating thereto. Members are not compensated; draw from existing staff and resources.
	3/8/96	23.1	Establishing a commission for the review of the child protective system in New York state	Extends time that the Commission established in last order has to finish its report
	1/22/96	24	Declaring a disaster emergency in the counties of Albany, Allegany, Broome, Cattaraugus, Cayuga, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Greene, Herkimer, Montgomery, Ontario, Orange, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Schuyler, Steuben, Sullivan, Tioga, Ulster, Washington, and Yates and contiguous areas	Declares a weather related disaster and orders state action
	2/7/96	25	Establishing a task force on state work force management and employee deployment	Establishes task force to redeploy existing employees to existing vacancies and other efforts regarding utilizing the existing employees to the maximum potential. Members will not be compensated; use existing staff and resources.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	3/5/96	26	Establishing a Management System for Emergency Response	Establishes the National Interagency Incident Management System—Incident Command System as the State standard command and control system during emergency operations
✓	9/26/08	26.1	Incorporating the National Incident Management System as the Management System for Emergency Response	Just reiterates the last order in response to a federal directive.
	3/21/96	27	Requiring the Attorney General to Supersede the District Attorney of Bronx County with Respect to the Murder of Police Officer Kevin Gillespie	Directs AG to supersede District AG in respect to one case.
	4/9/96	28	Continuation of Prior Executive Orders Naming State Office Buildings	Continues four EO's that named state buildings
	4/9/96	29	Revoking Certain Executive Orders That Have Been Superseded by Statute	Revokes 8 EO's b/c they've been superseded by statute
	4/9/96	30	Revoking Certain Executive Orders That Have Expired Pursuant to Section 28(3) of the Executive Law	Revokes a bunch of EO's that dealt with emergencies b/c over 6 months had gone by since they were issued/renewed.
	4/9/96	31	Revoking Certain Executive Orders and Amendments	Revokes a bunch of EO's
	4/9/96	32	Reissuing Certain Executive Orders	Continues certain EO's from previous Governors; doesn't revoke all ones not listed though
	4/9/96	33	Establishing a State Policy Against Discrimination on the Basis of Sexual Orientation and Reviving a Task Force to Address Individuals' Rights to the Benefit of Government Services and Opportunity for Government Service Regardless of Sexual Orientation	Continues certain EO's from Gov. Cuomo that dealt with state policy on Sexual Orientation. Revives a Task Force on the issue, designates its members and responsibilities, mostly state officials 5 private citizens (doesn't address compensation), use existing staff and resources.
	4/9/96	34	Access of Military Recruiters and Personnel to State University and College Facilities and Services	Reiterates' commitment of SUNY campuses to allowing military recruiters, in response to new federal legislation dealing with homosexuals serving (assuming DADT policy)
	4/17/96	35	Ordering that Unmarked Police Vehicles of the State of New York not be used for the Routine Stopping of Motorists in Connection with Traffic Violations	Forbidding unmarked police cars from making routine traffic stops
	5/2/96	36	Establishing the New York State Task Force on Casino Gambling	Establishes task force to look into the economic and tourist opportunities the Gambling industry has for NYS and the best ways to maximize the benefits of this in a responsible manner. Doesn't address compensation but staff will come from existing resources.
	7/31/96	36.1	Establishing the New York State Task Force on Casino Gambling	Extends the deadline for the task force established in last order to submit its report until 8/30/1996

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

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## George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	5/3/96	37	Establishing Joint Task Force on Health Care Insurance Fraud	The Joint Task Force on Health Care Insurance Fraud shall be a united multi-agency effort to investigate instances of health care insurance related fraud and abuse and to bring responsible persons and companies to justice. Members non-compensated; use of existing staff and resources only.
❖	5/22/96	38	Establishing the Task Force to Restructure Employment, Health and Social Services	Shall advise the Governor on ways to restructure programs, employment and state agencies dealing with health and social services to make them more efficient and recommend what legislation would be needed to effectuate such changes.
	6/17/96	39	Reforming the Office of the State Inspector General	Revokes Cuomo's EO #103 establishing Office of State Inspector General and broadens and expands its powers and responsibilities through this one.
✓	7/26/96	40	Ordering State Agencies to Register Emission Reduction Credits	Directs all state agencies, etc. to assign staff to find any Emission Reduction Credits as defined by the Clean Air Act (Federal) and transfer any to the Department of Economic Development
	8/7/96	41	Establishing a Task Force to Analyze Federal Welfare Reform	Establishes Task Force to review how the new Federal legislation reforming welfare will affect NYS especially with regards to shifting the burden of Medicare and health care costs from the Federal to the State and Local gov'ts. Task force shall specifically recommend legislation to the Governor to help ease the effects of the new legislation.
	8/9/96	42	Requiring the Attorney General to Supersede the District Attorney of Otsego County with Respect to the Prosecution of Gordon Mowers and Others	AG supersedes District Attorney for certain case
	9/23/96	43	Directing the Establishment of a Pilot Project for Urban Search and Rescue in the Capital Region	Creates task force to report by June 30, 1998 on the feasibility of the Capital region pilot for use in other regions of the state. Also directs the Secretary of State and the State Fire Administrator, pursuant to Article 6-C of Section 156 of the Executive Law to train the Capital region pilot team in the rescue of victims from collapsed structures caused by terrorist activities, or by other manmade or natural disasters.
	11/13/96	44	Declaring a disaster emergency in the counties of Chemung, Clinton, Delaware, Essex, Franklin, Montgomery, Schuyler and Steuben and their contiguous areas	Declares a weather related disaster and orders state action
✓	11/13/96	45	Establishing the Position of State Director of Consumer Protection	Establishes the Position, defines the power and responsibilities of the position, which includes delegating parts of the Executive Law to them.
	10/1/96	46	Establishing the commission on domestic violence fatalities	Establishes a Commission to investigate past Domestic Violence Fatalities and whether the deaths were associated with any deficiencies in the social services system, law enforcement, the courts, or any other public or private entity. Members non-compensated; use existing staff and resources.
	12/16/96	47	Destruction of surplus state firearms	Forbids turning state-owned firearms into the commercial market instead requiring they be destroyed.



# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

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## George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	2/5/96	48	Creating an International Business Development Council	Creates Council co-chaired by Hugh Carey that advises the Gov. on current Int'l Business trends that affect NYS and ways to increase the State's attractiveness for Int'l Business opportunities. Members non-compensated, use existing staff and resources
✓	2/27/97	49	Establishing Procedures to Consider, in its Proprietary Capacity, the Utilization of One or More Project Labor Agreements	Orders State Agencies to establish procedures to consider project labor agreements that meet the standards of a recent COA decision in Matter of New York State Chapter Inc., Associated General Contractors of America, Et. Al. V. NYS Thruway Authority (1996)
✓ No staff	10/1/96	50	Establishing a Governmental Commission to Investigate the Recovery of Holocaust Victims' Assets	Creates a Commission to coordinate the investigation into assets deposited with Swiss financial institutions by victims of the Holocaust, also sets out members.
✓	5/20/97	51	Activities of State Agencies within the NYC Watershed	Orders State Agencies, Commissions, etc. comply with the same Watershed Regulations put forth in the Memorandum of Agreement that Private Persons must but State entities were until then exempt from.
	5/13/97	52	Establishing the Forest Resources Development Council	The Council shall advise the Governor and the executive agencies on (a) ways to foster the growth and retention of forest products businesses in the State and (b) on actions to improve the environmental and economic contributions of the State's largest natural resource, its forests. Members non-compensated, use existing staff.
	6/14/97	53	Establishing a Special Prosecutor to Inquire into Criminal Acts by Landlords Against Tenants in the Event of a Lapse of the Rent Control and Stabilization Laws	Appoint AG as Special Prosecutor investigate illegal conduct by building owners against tenants arising from a lapse of the State's rent control and stabilization laws, in cooperation with the district attorney of the county wherein the offense or portion thereof is alleged to have been committed. Shall report to Counsel of Governor whenever he believes a violation has taken place as well as give a weekly report to Counsel of the Governor on the implementation of this order generally. Direct the Division of Housing and Community Renewal (the Division) to establish a toll-free hotline by which tenant complaints of illegal conduct by building owners or their agents can be reported and transmitted forthwith to the Special Prosecutor. Directs Counsel to Governor to start drafting legislation to implement this EO.
	9/10/97	54	Establishing the New York Interagency Task Force on HIV/AIDS	Revokes and superseded Cuomo's EO# 99 creating same type of task force. This new task force will have a two year duration and advise the Governor on how to better coordinate State efforts dealing with AIDS. Members are existing officials, use existing resources.
	9/23/97	55	Establishing a Task Force on Out-of-Wedlock Pregnancies and Poverty	Creates task force for the purpose of studying the problem of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies, and developing a 10-year plan and goals regarding the reduction of such pregnancies in New York State. Non-compensated members, use of existing staff.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

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## George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
1 compensated member until 3/1/1999	10/8/97	56	Establishing the Governor's Commission Honoring the Achievements of Women	Commission shall prepare and submit recommendations for: (1) an educational program for New York State that focuses on the role of women in history; (2) events to celebrate the Sesquicentennial of the Women's Rights Convention at Seneca Falls; and (3) a study to determine the feasibility of establishing a permanent tribute to honor women's contributions to history. These shall be reviewed by a Steering Committee also established by this Order. All Members are non-compensated except for an Executive Director, the Committees shall draw on existing staff and resources. Shall be dissolved on 3/1/1999.
✓	10/23/97	57	Establishing the NYC Watershed Protection and Partnership Council	Establishes a Watershed Executive Committee and a number of Subcommittees, sets out how members will be established, and designates their responsibilities to be "in accordance with the terms and conditions of Article IV of the Watershed Agreement and any amendments thereto"
❖	12/16/97	58	Naming the Executive Commission to Transfer the Functions, Powers, Duties and Obligations of the Former Department of Social Services and the Division for Youth to the Offices of Children and Family Services and Temporary and Disability Assistance	Commission to develop a comprehensive legislative proposal to implement the transfer of the functions, powers, duties and obligations for the former Department of Social Services and the former Division for Youth to the appropriate successor agencies. Members non-compensated; use existing staff and resources.
	12/19/97	59	Creating the Governor's Task Force on the New Media and the Internet	Creates a Task Force to develop a program which facilitates more growth of these industries in New York State
	4/28/98	59.1	Creating the Governor's Advisory Task Force on the New Media and the Internet	Continues and slightly amends EO #59
	1/8/98	60	Declaring a Disaster Emergency in the Counties of Clinton, Essex, Franklin, Jefferson and St. Lawrence and Contiguous Areas	Declares a weather related disaster and orders state action
	1/10/98	60.1	Declaring a Disaster Emergency in the Counties of Clinton, Essex, Franklin, Jefferson, St. Lawrence, Lewis and Contiguous	Extends the areas covered under EO#60
	1/28/98	61	Extending the Period for Paying Real Property Taxes Without Interest in St. Lawrence County Due to a Disaster Emergency	Extends by seven days the time residents of St. Lawrence County can pay real property taxes without incurring interest due to the weather related emergency described in EO# 60
	1/28–30/1998	62–66	N/A	Applies EO#61 to residents, of Lewis, Essex, Jefferson, Franklin and Clinton Counties
	2/6/98	67	Further Extending the Period for Paying Real Property Taxes Without Interest in St. Lawrence County Due to a Disaster Emergency	Further extends by seven days the time that residents of St. Lawrence County may pay real property taxes without incurring interest due to weather emergency declared in EO# 60
	2/6/98	68–71	N/A	Applies EO#67 to residents, of Essex, Jefferson, Franklin and Clinton Counties
	2/19/98	72–76	N/A	Extends the time that residents of Essex, Jefferson, St. Lawrence, Franklin and Clinton Counties can pay their real property taxes without incurring interest throughout the entire time EO #60.1 remains in effect.

# TABLE

## MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

### George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	3/2/98	77	Rescinding Executive Order Number 60.1, Which Declared A Disaster Emergency in the Counties of Clinton, Essex, Franklin, Jefferson, St. Lawrence, Lewis and Contiguous Areas	Rescinds EO #60.1
	3/26/98	78	Governor's Task Force on Independent Contractors	Creates non-compensated task force to propose recommendations relating to the improvement of classifying workers as employees or outside contractors and other aspects of this policy. Recommendations should be included in report given to Legislature and Governor. Task Force directed to use existing staff or resources.
	12/8/98	78.1	Governor's Task Force on Independent Contractors	Increases the number of members of Task Force and extends the deadline for their final report
	4/1/98	79	Establishing the New York Wired Task Force and the State Advisory Council on Technology Use	Establishing the New York Wired Task Force and the State Advisory Council on Technology Use
	5/8/98	80	Establishing the Temporary Commission to Commemorate the Centennial of the Governorship of Theodore Roosevelt	Creates a Task Force consisting of non-compensated individuals appointed by Governor ordered to initiate, coordinate and facilitate commemorative events, exhibits, publications, broadcasts, and related programs and projects, working in association with appropriate Federal, State and local government agencies, non-profit and educational organizations and private citizens. Task Force ordered to use existing resources and staff.
	6/1/98	81	Declaring a Disaster Emergency in the Counties of Saratoga, Rensselaer, Broome, Otsego and Contiguous Areas	Declares a weather related disaster and orders state action
	6/11/98	81.1	Declaring a disaster Emergency in the Counties of Saratoga, Rensselaer, Broome, Otsego, Chenango, Delaware, Orange, Wyoming and Contiguous Areas	Extends Counties covered by EO# 80
	6/29/98	82	Declaring a Disaster Emergency in the Counties of Clinton, Essex, Franklin and Wyoming and Contiguous Areas	Declares a weather related disaster and orders state action
✓	7/1/98	83	Establishing the Jackie Robinson Empire State Freedom Medal and the Jackie Robinson Empire State Freedom Medal Commission	Establishes Commission and sets out responsibilities who will evaluate any nominations for the Jackie Robinson Empire State Freedom Medal based upon the Criteria set forth in the order.
➡	7/7/98	84	Extending the Period for Paying Real Property Taxes Without Interest in the Village of Arcade Due to a Disaster Emergency	Pursuant to Section 925-a (2) of the Real Property Tax Law extends the period that village taxes can be paid by seven days due to the weather related emergency described in EO #82
	8/5/98	85	Establishing the Hudson River Heritage Council	Coordinate State activities, plans, functions, programs and resources in support of the Hudson River's designation as an American Heritage River; act as a liaison to federal and local government activities affecting Hudson River; and periodically review state and local government activities.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
✓	8/19/98	86	Establishing the NYC Watershed Inspector General	Establishes the new position as an Assistant Attorney General to be appointed by Governor and AG, designates the persons power and responsibilities, and cooperation with state agencies
	9/2/98	87	Declaring a State Disaster Emergency as a Result of the Calamitous Fire and Severe Damage to the Central Synagogue	Declares an emergency in response to a fire the occurred in Central Synagogue, located at 643 Lexington Avenue, New York, New York and makes the the New York State Armory at 643 Park Avenue available for the Jewish Congregations holiday services.
	3/2/1999, 8/27/1999, 2/23/2000, 8/21/2000	87.1 - 87.4	N/A	Each extends the emergency declared, and actions prescribed in EO# 87 by a period of six months.
	9/7/98	88	Declaring a Disaster Emergency in Cayuga, Fulton, Madison, Monroe, Montgomery, Oneida, Onondaga, Oswego and Wayne Counties and Contiguous Areas	Declares a weather related disaster and orders state action
	9/8/98	88.1	Declaring a Disaster Emergency in Cayuga, Fulton, Madison, Monroe, Montgomery, Oneida, Onondaga, Oswego, Wayne, Nassau, Orleans and Niagara Counties and Contiguous Areas	Extends areas covered under emergency declared in last order.
➡	9/24/98	89	Extending the Period for Paying Real Property Taxes Without Interest in Certain School Districts, Due to a Disaster Emergency	Extends by seven days the time residents of a number of school districts can pay their real property taxes without incurring interest.
	1/13/99	90	Declaring a Disaster in Chautauqua, Erie and Niagara Counties and Contiguous Areas	Declares a weather related disaster and orders state action
	1/25/99	90.1	Declaring a Disaster in Chautauqua, Erie, Niagara and Jefferson Counties and Contiguous Areas	Extends areas covered under emergency declared in last order.
✕	1/23/99	91	Appointing a Special Commission to Investigate the Management and Administrative Practices of the New York City School System and the New York City School Construction Authority and the Laws, Regulations and Procedures Relating Thereto	Establishes a Commission to investigate the management and affairs of all departments, boards, bureaus or commissions of the State of New York with respect to (a) the superintendence and regulation of, and the apportionment of state funding to, the New York City School District and (b) the management and operations of the New York City School Construction Authority. May employ persons as necessary and as can be afforded with limited funds, though directed to use existing resources and staff when possible.
	12/15/99	91.1	Appointing a Special Commission to Investigate the Management and Administrative Practices of the New York City School System and the New York City School Construction Authority and the Laws, Regulations and Procedures Relating Thereto	Extends the deadline for the Commission's report described in EO #91

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	9/6/00	91.2	Appointing a special commission to investigate the management and administrative practices of the New York City school system and the New York City school construction authority and the laws, regulations and procedures relating thereto	Extends authority of Commission established in EO# 91 to allow it to investigate and inquiry into any wrongdoings it undercover during its work.
	3/4/99	92	Declaring a disaster in Broome, Cayuga, Chenango, Cortland, Jefferson, Lewis, Livingston, Madison, Monroe, Oneida, Onondaga, Oswego, St. Lawrence, Schuyler, Seneca, Wayne and Wyoming Counties and contiguous areas	Declares a weather related disaster and orders state action
	3/5/99	92.1	Declaring a disaster in Broome, Cayuga, Chenango, Cortland, Jefferson, Lewis, Livingston, Madison, Monroe, Oneida, Onondaga, Oswego, St. Lawrence, Schuyler, Seneca, Wayne, Wyoming, Orleans, Tompkins, Ontario and Steuben Counties and Contiguous Areas	Extends areas covered under emergency declared in last order.
	3/17/99	93	Workers' Compensation Special Funds Study Commission	Commission established to review the purposes for which Worker's Compensation funds were established, assess whether the funds are fulfilling their purposes, and examine the financial condition of the funds, including historical assessment patterns, payout patterns of the funds, and their unfunded ultimate liabilities. Make recommendations based on these findings. Members of the Commission are non-compensated, directed to use existing resources and staff.
	3/22/99	94	Which Declared Disaster Emergencies in Chautauqua, Erie, Niagara, Jefferson, Broome, Cayuga, Chenango, Cortland, Lewis, Livingston, Madison, Monroe, Oneida, Onondaga, Oswego, St. Lawrence, Schuyler, Seneca, Wayne, Wyoming, Orleans, Tompkins, Ontario and Steuben Counties and Contiguous Areas	Rescinds Eos# 90.1 and 92.1.
	4/15/99	95	Establishing the Task Force on School Violence	Establishes task force to study and report to the Governor on a practical plan of action to address the growing trend of violence and disruptive conduct in our schools and to promote a safe learning environment for all children and school personnel. Members shall be uncompensated and shall use existing staff and resources.
✕	6/15/99	96	Establishing the Task Force on Public Employee Pension Systems	Establishes task force to study existing state retirement programs and report to Governor their recommendations for improving these. Members are uncompensated but are allowed to hire and fix duties of experts and others that are needed to fulfill their duties although they are directed to use existing staff and resources when possible.

# TABLE

## MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

### George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	8/6/99	97	Declaring a disaster in Broome, Chemung, Chenango, Cortland, Madison, Otsego, Steuben, and Tioga Counties and contiguous areas	Declares a weather related disaster and orders state action
	8/9/99	98	Declaring a disaster in Orange County and contiguous areas	Declares an emergency in response to a fire that occurred at West Point and continued to spread and orders state action
	9/16/99	99	Declaring A Disaster In the City of New York and the Counties of Nassau And Suffolk and Contiguous Area	Declares a weather related disaster and orders state action
	9/16/99	99.1	Declaring a Disaster in the City of New York And The Counties of Nassau, Suffolk, Westchester And Rockland And Contiguous Areas	Extends the areas covered under EO#99
	9/17/99	99.2	Declaring A Disaster in the City Of New York And The Counties Of Nassau, Suffolk, Westchester, Rockland and Orange and Contiguous Areas	Extends the areas covered under EO# 99.1 to include Orange County
	9/20/99	99.3	Declaring a Disaster in the City of New York and the Counties Of Nassau, Suffolk, Westchester, Rockland, Orange, Essex and Contiguous Areas	Further extends the areas covered under previous order to include Essex County
	9/22/99	99.4	Declaring a Disaster in the City of New York and the Counties of Nassau, Suffolk, Westchester, Rockland, Orange, Essex, Albany, Putnam and Ulster and Contiguous Areas	Further extends the areas covered under previous order to include Essex Albany, Putnam, and Ulster County
2/6/1998? This is presumably a typo.		100	Establishing the Governor's Seventh Regiment Armory Advisory Council	Council member shall advise the Governor as the Administration explores options for rehabilitating the Seventh Regiment Armory, a historically significant structure. Members uncompensated, use existing staff and resources. Council shall be disbanded in five years.
	1/20/00	101	Declaring a Disaster Emergency in the Counties Of Nassau And Suffolk	Declares a weather related disaster and orders state action
	1/21/00	102	Establishing the Quality Communities Interagency Task Force	Establishes interagency task force that, with help of advisory council, shall study and make recommendations for changes in State regulations and legislation to enhance community choices in land development, preservation and rehabilitation. Uncompensated and directed to use existing staff and resources
	2/14/00	103	Establishing the Task Force on Campus Fire Safety	Establish task force to review and make recommendations for improving fire safety codes, legislation, and campus policies for Resident Halls on public and private Universities in New York State. Members are uncompensated and directed to draw upon existing staff and resources.

# TABLE

## MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

### George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	3/16/00	104	Appointing a Special Advisor to Evaluate the Fiscal Condition of the County of Nassau	Appoints a Special advisor to review the nature, extent and causes of any fiscal problems, and advise the Governor in relation to such matters as quickly as is reasonably practicable. Special Advisor can hire and set compensation for any persons needed to fulfill duties within the limited funds granted to him/her. Also directed to call upon existing staff and resources.
	4/20/00	105	Establish a Task Force for the Creation of an Institute for River and Estuary Research and Education in the Hudson River Valley	Establishes a task force, and advisory council to assist it, who shall help with the creation of an institute for river and estuary research and education in the Hudson River Valley. Specifically they shall define the mission for the new institute; establish its official name; develop its business plan and organizational structure; determine its location and campus needs; develop its initial preliminary research agenda; develop affiliations with other public and private research and educational institutions and organizations; identify appropriate sources of funding; and search for a director and persons to serve on a governing board. Members are uncompensated and directed to use existing staff and resources.
	11/21/00	106	Declaring a disaster in Erie county, including the city of Buffalo, and within contiguous counties and areas	Declares a weather related disaster and orders state action
	2/9/01	107	Establishing the New York State Heritage Commission	Creates Commission of state officials tasked with developing a New York State Heritage Trails Program. The Program shall encourage economic development in New York State based upon history and tourism and create new opportunities for visitors to discover and appreciate our State's unique heritage through a system of thematic heritage trails. Also directed to establish an interagency program to preserve historical items. Members are uncompensated and directed to use existing staff and resources.
	2/16/01	108	Establishing the Task Force on Election Modernization	The Task Force shall, consulting with local and federal government officials when appropriate, examine current and alternative methods for conducting and administering elections in New York State and issue a report laying out their recommendations by 4/15/2002, including an interim report before the 2001 election. Members uncompensated, use existing staff and resources.
✓	5/19/2001	109	Establishing a Special Prosecutor to Investigate and Prosecute Criminal Acts Relating to Fraudulent Motor Vehicle Insurance Claims	Appoints AG as Special Prosecutor to coordinate investigations and prosecutions in regard to fraudulent motor vehicle insurance claims, giving the AG the powers and duties pursuant to subdivision eight of section 63 of the Executive Law. The superintendent of the Division of State Police and the Superintendent of the Dept. of Insurance are directed to authorize the AG to conduct an investigation into these matters. Finally, directs the Division of Criminal Justice Services in consultation with the three people above to prepare an annual report for the Governor.
	5/14/01	110	Requiring State Employees Conducting State Business to Refrain from Using Hand-Held Mobile Telephones While Operating Motor Vehicles on Public Highways	Bans all State employees from using a cell phone when driving a state motor vehicle or driving a personal vehicle to conduct state business. Makes an exception for police officers use in pursuant of their work and for all employees if a cell phone is needed for some emergencies the EO lists.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
✓	6/10/01	111	Directing State Agencies to Be More Energy Efficient and Environmentally Aware "Green And Clean State Buildings And Vehicles	Directing State Agencies To Be More Energy Efficient And Environmentally Aware "Green And Clean State Buildings And Vehicles
	6/14/01	112	Establishing the Commission on Terrorism	Establishes commission to review NYS' laws, capacity to prevent, first response plans, law enforcement training, ability to meet needs of victims, coordination of law enforcement response relating to terrorism and issue a report by 7/1/2003 recommending how the State can improve in all these areas. Members uncompensated, use existing staff and resources.
Revoked by EO # 132	7/12/01	112.1	Establishing the Commission on Terrorism	Extends membership of Commission established in last order to include representatives from the State Office of Fire Prevention and Control and the New York City Emergency Management Office who have prior expertise.
	9/11/01	113	Declaring a Disaster Emergency in the State of New York	Declares a state-wide emergency resulting from the al-Qaeda terrorist attacks and orders state action.
	9/11/2001-11/13/2006	113.1-113.20	N/A	All 120 of these orders relate to emergency powers the Governor is using in response to 9/11 terrorist attacks. These include the suspension of certain laws, the use of out-of-state law enforcement officials, extension of tax deadlines, bank closings, and many other activities and the continued extension of these, in some cases, through early 2007.
	11/2/01	114	Establishing the New York Olympic Games Commission	Establishes a commission tasked with leading all efforts of State government with respect both to bringing the 2012 Olympic Games to New York City and to planning and implementing the Olympic Games should they be so awarded to New York City. All members uncompensated, ambiguous about whether they can hire staff.
	12/28/01	115	Declaring a Disaster Emergency in Erie County and Contiguous Areas	Declares a weather related disaster and orders state action
✓	1/22/02	116	Reconstituting the State Drought Management Task Force	Designates the different stages of a drought and the responsibilities of the different Departments and agencies responsible for droughts as well as designating the membership and responsibilities of the task force
✓	1/28/02	117	Establishing The Position Of Chief Information Officer (CIO) Of The State Of New York	Establishing The Position Of Chief Information Officer (CIO) Of The State Of New York
	3/4/02	118	The Medicaid Dental Advisory Committee	Establishes a commission to recommend ways to educate patients on dental care; recruit additional providers; increase acceptance of Medicare patients by existing providers. Also tasked with evaluating scheduled fee increases. Members are uncompensated and staff is not addressed.
	4/20/02	119	Declaring a Disaster in Clinton and Essex Counties and Contiguous Counties and Areas	Declares a weather related disaster and orders state action



# TABLE

## MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

### George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	6/21/02	120	Establishing the Task Force on Military Bases in New York State	Creates task force to recommend ways state resources can be used to avoid the closure of military bases in the state in light of Federal efforts to close military bases across the country. Recommend ways that the state can help the military bases expand in order to accommodate the activities of bases that do get closed. Members are uncompensated, use existing staff and resources.
	7/8/02	121	Establishing the Task Force on Local Government Reform	Establishes a task force of local government officials and others to evaluate the local government reforms proposed by the Nelson Rockefeller Institute of Government and recommend innovative new ways to reform local government in order to make it more efficient. Members are uncompensated, use existing staff and resources.
	7/9/02	121 A	Establishing the Task Force on Local Government Reform	Doesn't make any substantive changes from the last order.
	9/26/02	122	Establishing the Task Force on Identity Security	Establishes task force to determine whether state agencies can cut back on their use of social security numbers as identification measures of employees and others they come into contact with by using alternative methods of identification. Also evaluate the existing security system to protect social security numbers and recommend ways for improving this. Members are uncompensated and directed to use existing staff and resources.
✗ Revoked by EO # 132	1/16/03	123	Establishing the State Director of Disaster Preparedness and Response	Establishes new position to lead efforts and oversee agencies primarily response for responding to Terrorist attacks and other state emergencies.
	2/17/03	124	Declaring a Disaster in the City of New York and the Counties of Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Sullivan, Delaware, Dutchess, Columbia, Greene, Ulster, Schenectady, and Albany, and Contiguous Counties and Areas	Declares a weather related disaster and orders state action
✓	3/2/2002 (presumably a typo and means 2003)	125	Directing State Officials to Ensure That the Appropriate Protections and Benefits are Extended to Members of the Reserve Armed Forces of the United States and the Organized Militia of New York State	Orders State Officials and certain agencies to take specific actions in regards to the rights of military reserves and the State's organized militia as well as their families.
	4/5/03	126	Declaring a Disaster in the Counties of Cayuga, Chenango, Livingston, Madison, Monroe, Oneida, Onondaga, Ontario, Orleans, Oswego, Seneca, Wayne, Yates and Contiguous Areas	Declares a weather related disaster and orders state action
	7/16/03	127	Providing For Additional State Procurement Disclosure	Establishes more guidelines regarding information potential contractors must provide; state agencies review of the proposed contractors; and maintaining a database of contractors that have provide false or misleading information in the past in order to not award contracts to them in the future.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

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## George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	6/30/06	<b>127.1</b>	Revoking and Rescinding Executive Order Number 127	Rescinds EO #127 because new Legislation passed into law provides more stern regulations and oversight.
	6/30/06	<b>127.1</b>	Revoking and Rescinding Executive Order Number 127	Rescinds EO #127 because new Legislation passed into law provides more stern regulations and oversight.
✘ Still in force	6/16/03	<b>128</b>	Designation of Lower Manhattan Development Corporation to Carry Out Environmental Impact Review and to Fulfill Requirements For Receipt of Federal Assistance in Connection With the Redevelopment of Lower Manhattan Following the Terrorist Attacks of September 11, 2001	Designates the LMDC as the arm of the State responsible for conducting all required environmental reviews of Lower Manhattan redevelopment plans for which the State is receiving aid from the HUD. Also creates the position of the Special Assistant for Lower Manhattan Development and designates the President of the LMDC to serve in that capacity; also lays out responsibilities and powers of that person pursuant to Federal and State Statutes.
	7/29/03	<b>129</b>	Establishing the Task Force on the Institute For Basic Research	Creates a Task Force to review if there is a continued need for the Institute for Basic Research in Developmental Disabilities (IBR), the effectiveness of the IBR, the ability of the state to continue funding it, the ability to obtain funds from other sources for the IBR, and the effect closing the IBR would have. Members are uncompensated and directed to use existing resources.
	8/14/03	<b>30</b>	Declaring a Disaster in the State of New York	Declares a disaster caused by a power outage and orders state action
	8/15/03	<b>30.1</b>	Temporary Suspension of Provisions Relating to the Generation of Electricity	Temporarily suspends subdivision 2 of section 160 and subdivision 1 of section 2 of the Public Service Law for ten days due to the disaster declared in the previous order.
	8/15/03	<b>30.2</b>	Finding of Emergency and Determination That Banking Organizations May, at Their Discretion, Close Certain of Their Places of Business Affected by the Emergency	Allows banks to close branches at their discretion because of disaster declared in EO # 30 but urges them to stay open at possible.
	8/15/03	<b>30.3</b>	Temporary Suspension of Provisions Relating To The Date For Voters to File Voter Registration Forms in Order to Vote in the Primary Election	Suspends law stating that voter registration forms must be received by August 18th in order for citizens to be eligible to vote in November election.
	8/15/03	<b>30.3</b>	Temporary Suspension of Provisions Relating To The Date For Voters to File Voter Registration Forms in Order to Vote in the Primary Election	Suspends law stating that voter registration forms must be received by August 18th in order for citizens to be eligible to vote in November election.
❖ Also includes hired staff and has some effect on local government	9/3/03	<b>131</b>	Establishing the New York State Commission on Education Reform	Creates commission to recommend to the Governor and the Legislature reforms to the education finance system in New York State and to any other state or local laws, rules, regulations, collective bargaining agreements, policies or practices, to ensure children in the state receive a good education. Report due by March 1, 2004. Members will not get paid but may hire staff as needed and within amount of funds they are given by Governor. They are also suppose to rely on agencies to the extent possible.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	12/5/03	<b>132</b>	Designating the State Prevention and Preparedness Council; Establishing the Positions of Senior Advisor to the Governor for Counter-Terrorism and Senior Advisor to the Governor for Disaster Preparedness and Response; and Revoking Certain Executive Orders	Designates State Prevention and Preparedness Council to led state response to disasters including those caused by terrorism. Also gives them the power to designate local entities as Local Disaster Preparedness Councils. Also creates two positions: Senior Advisor to the Governor for Counter-Terrorism and Senior Advisor to the Governor for Disaster Preparedness and Response and are responsible for advising the Governor on preventing (in the terrorism advisors case) and preparing to disaster. Dissolves the Commission created in EO #112, transferring its powers and responsibilities to the Office of Public Security and dissolves the position created by EO #123, which is superseded by this order.
✓	11/22/04	<b>133</b>	Establishing the Lower Manhattan Construction Command Center	Creates the Lower Manhattan Construction Command Center to coordinate between all construction located in Lower Manhattan, details management positions and organization, and sets out duties, responsibilities, powers, and some procedures.
	1/5/05	<b>134</b>	Directing State Agencies to Reduce the Environmental Impact of Cleaning of State Facilities	The Commissioner of the Office of General Services (OGS), in consultation with the Commissioner of the Department of Health (DOH) and the Commissioner of the Department of Environmental Conservation (DEC), shall provide consultation and guidance to State Agencies on procuring cleaning materials that are environmental friendly. Requires state agencies to document rationale behind any purchase of non-environmental friendly products. Requires each agency to designate an official to evaluate the agency's current cleaning products and recommend other products if needed. Also recommends, but does not require, local governments to follow this order.
✗ Asks to Commission to consider reorganization of public authorities.	2/3/05	<b>135</b>	Establishing the New York State Commission on Public Authority Reform	Creates Commission to to study, review and evaluate the operations and practices of public authorities and recommend ways to improve their performance, governance and oversight. Noteworthy is that the Governor asks the Commission to review and recommend ways to dissolve, merge, or reorganize public authorities. The commission is given permission to hire an executive director and as much staff as necessary to fulfill its duties among the funds it is allocated.
	4/5/05	<b>136</b>	Declaring a Disaster in the Counties of Broome, Chenango, Cortland, Delaware, Greene, Montgomery, Orange, Otsego, Rensselaer, Schenectady, Schoharie, Sullivan, Tioga, Ulster and Contiguous Areas	Declares a weather related disaster and orders state action
	6/8/05	<b>137</b>	Creating an Inventory and Classification of State and Local Public Authorities and Their Subsidiaries	Directs each state public authority to cooperate and provide certain information about its mission, objectives, subsidiaries and expected costs and revenues to the New York State Commission on Public Authority Reform created in EO#135. Also asks local public authorizes to do the same.
	6/16/05	<b>138</b>	Declaring a Disaster in the Counties of Erie, Essex, Warren, Wyoming and Contiguous Areas	Declares a weather related disaster and orders state action
	7/3/05	<b>139</b>	Declaring a Disaster in the County of Washington and Contiguous Areas	Declares a weather related disaster and orders state action

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George Pataki






SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	8/5/05	140	Establishing the Position of Medicaid Inspector General	Establishes new position to lead efforts to cut down on Medicaid waste and abuse in the state. Creates the Medicaid Fraud Control Advisory Council, which is an interagency body working towards the same purpose as the Inspector General this order creates.
✕ Revokes and Supersedes EO#140	2/6/06	140.1	Establishing the Office of Medicaid Inspector General	Establishes an office for Medicaid Inspector General. Responsibilities of Office shall include but not be limited to the Medicaid audit functions pursuant to Sections 364 and 368-c of the Social Services Law, and the prevention of Medicaid fraud, waste and abuse function pursuant to Sections 145-a and 145-b of the Social Services Law. Interest
	9/2/05	141	Directing that the Adjutant General Order into Active Service the Organized Militia to Assist Civil Agencies and Authorities in the States of Louisiana, Mississippi, Alabama and Texas in Disaster Recovery Efforts	Directs Adjutant General to order the militia into active service in helping the Louisiana and other state responses to Hurricane Katrina
✓	11/21/05	142	Directing State Agencies and Authorities to Diversify Transportation Fuel and Heating Oil Supplies through the Use of Bio-Fuels in State Vehicles and Buildings	Orders all State agency vehicles who utilize central fueling stations to operate on 85% Ethanol and 15% petroleum fuel if it is feasible for the vehicle to do so. Orders the Governor's Clean Vehicle Council to prepare a report detailing how agencies shall purchase, allocate, distribute and utilize bio-diesel fuel and provides a table that determines the total amount of consumption through 2012. Expands on Executive Order No. 111, from June 10, 2001. Orders the New York State Energy and Research Development Authority to develop a plan to direct state agencies and public authorities on how to purchase, allocate, distribute and utilize bio-diesel heating oil for use in buildings in compliance with a table put forth in the order. Allows state agencies or public authorities to unilaterally waive parts of the order if found that meeting them would have unacceptable impacts on the vehicles for up to 60 days; or for more than 60 days if agreed to by the President of the NYSERDA.
	12/5/05	143	Directing the Commissioner of the Division of Criminal Justice Services to Expand the State DNA Identification Index to Include DNA Identification Profiles Obtained from Additional Convicted Offenders	Directs the Commissioner to implement an additional index consisting of DNA identification profiles obtained from convicted offenders pursuant to a plea agreement, as a condition of the DOCS Temporary Release Program, the DOCS CASAT Program, the DOCS Shock Incarceration Program, release on parole, post-release supervision, presumptive release, conditional release, or as a condition of probation or interim probation supervision
✓	2/21/06	144	Establishing the New York State Abraham Lincoln Bicentennial Commission	Creates Commission, sets out membership, powers, and responsibilities.
	6/28/06	145	Declaring a Disaster in Broome, Delaware, Herkimer, Montgomery, Otsego, Cortland, Chenango, Schoharie and Tioga Counties	Declares a weather related disaster and orders state action
	6/28/06	145.1	Declaring a Disaster in Broome, Delaware, Herkimer, Montgomery, Otsego, Cortland, Chenango, Schoharie, Sullivan, Orange, Ulster, Oneida and Tioga Counties	Expands areas covered by previous order

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

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## George Pataki

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	7/13/06	<b>145. 2</b>	Temporary Suspension of Statutory Provisions Regarding Payment of Fees for Duplicate or Replacement Department of Motor Vehicle Documents	Suspends Subdivision 3 of Sections 401 and 410 of the Vehicle and Traffic Law and subdivision 2 of Sections 491 and 503 of the same law.
	10/13/06	<b>146</b>	Declaring a Disaster in Erie, Genesee, Niagara and Orleans Counties and Contiguous Areas	Declares a weather related disaster and orders state action
	10/16/06	<b>146. 1</b>	Extending the Period for Paying School District Taxes Without Interest Levied on Real Property in Erie County Due to a Disaster Emergency	Extending the time residents of Erie County have to pay school taxes without incurring interest because of disaster declared in last order
	10/16/06	<b>146. 2</b>	Extending the Period for Paying School District Taxes Without Interest Levied on Real Property in the Lockport City School District Due to a Disaster Emergency	Extending the time residents of Lockport City School District have to pay school taxes without incurring interest because of disaster declared in last order
	11/20/06	<b>147</b>	Conferring Additional Investigatory Powers Upon the Special Counsel in the Matter of Alan G. Hevesi	Gives the Special Consul some more powers for the investigation of the Comptroller. Appoints the Special Consul as the person who will conduct the trial if the Governor decides to recommend to the NYS Senate the Comptroller's removal.

-  Designates commissions where staff can be hired, although sometimes only upon approval of Governor or Director of Budget.
-  Designates some effects on local government.
-  Designates a significant reorganization action
-  Executive Order still in force
-  Some type of regulatory or implementing power

## Eliot Spitzer

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	1/4/07	<b>1</b>	Establishment of Ethical Conduct Guidelines	Sets ethical standards for all state officials and employees who serve at the pleasure of the Governor, the Governor appoints the person whose pleasure they serve at and members of public authorities who the Governor appoints. Included are restrictions on receiving gifts, certain uses of state property, hiring family members and others and lobbying.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

Eliot Spitzer

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	1/1/07	2	Eliminating Politics from Government Decisionmaking	Prohibits all state agency officers or employees who serve at the pleasure of the Governor, the Governor appoints the person whose pleasure they serve at, and members of all public authorities who are appointed by the government from making contributions to the Governor or Lt. Governor's campaigns, considering a person's politics when hiring or appointing someone, including elected officials and/or candidates from appearing in State financed advertising or campaigning for State or Federal Office while still holding their job.
✓	1/1/07	3	Promotion of Public Access to Government Decisionmaking	Orders all entities which the Governor has authority over (loosely interpreted) to submit a report to the Secretary to the Governor by 3/1/2007 that identifies all meetings that are subject to the Open Meetings Law and specify a timetable for ensuring that those meetings are broadcasted over the internet. Orders that all meetings shall be broadcasted no later than 6/1/2007 and that by 12/31/2007, each entity will submit a report to Secretary of Governor with the number of meetings broadcasted, summary of comments received on broadcasts, and recommendations for changes or improvements to the program.
	1/1/07	4	Establishing Judicial Screening Committees to Ensure that Judicial Officer Appointments are of the Highest Quality	Creates Judicial Screening Committees that had been created in previous EO's. Sets out purposes, duties, and responsibilities of judicial screening committees, creates them at the State, Department, and County level, and designates who will serve on each.
	1/1/07	5	Review, Continuation and Expiration of Prior Executive Orders	Repeals all Executive Orders that are in effect except the ones that are specifically listed in this order. Orders a continued review of prior Executive Orders.
	2/8/07	6	Declaring A Disaster in Oswego County and Contiguous Areas	Declares a Disaster and orders state action
	2/12/07	7	Continuation of Prior Executive Orders	Continues some Executive Orders that had previously not been included in Executive Order 5. Orders that a review of prior Executive Orders be continued.
✓	2/18/07	8	Establishing the MWBE Executive Leadership Council and the MWBE Corporate Roundtable	Creates an MWBE Executive Leadership Council to improve the participation of MWBE businesses in the state's procurement process, sets out membership, responsibilities, powers, duties, procedures, and orders it to produce an annual report. Also creates a MWBE Corporate Roundtable that shall seek to improve the participation of MWBE businesses in the state's procurement process, sets out memberships, procedures, etc.
✓	3/5/07	9	Ordering the Commissioner of the Department of Correctional Services to Bar Certain Offenders from Participating in Temporary Release Programs	Orders the Commissioner of the Department of Correctional Services to modify any temporary release program to bar individuals convicted of a list of certain crimes from participating.
✓	3/5/07	10	Establishing the New York State Commission on Sentencing Reform	Creates Commission, lays out membership, orders it to conduct a comprehensive review of NY's current sentencing policies and related material and issue a initial report by 9/1/2007 and a final report by 3/1/2008.

# TABLE

## MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

Eliot Spitzer

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
✓	4/23/07	11	Establishing the New York State Commission on Local Government Efficiency and Competitiveness	Creates Commission, membership and procedure and criteria for appointing membership, orders Commission to conduct a review and analysis of NY's local government structure and operates based on criteria listed in the order. Orders a final report from the Commission by 4/15/2008.
✓	5/8/07	12	Representation of Child Care Providers	Characterizes Child Care Providers into four separate groups and sets forth procedures for Child Care Providers to designate a representative who shall meet with the State Employment Relations Board, either separately or with other care providers, to enter into a written contract with the state that addresses a number of issues affecting Child Care Providers. Any agreement shall be binding on NYS contingent upon the successful completion of necessary regulatory or legislative action.
✓	5/18/07	13	Establishing the New York State Council on Food Policy	Creates a NYS Council on Food Policy, establishes number of memberships and how they will be selected, as well as the council's purpose, duties and responsibilities which include an annual report
	5/29/07	14	Establishing the New York State Commission on Higher Education	Creates a 30-person Commission, establishes criteria for members and how they'll be selected, its purpose, areas of focus, duties, powers and responsibilities.
✓	5/29/07	15	Establishing the New York State Commission to Modernize The Regulation of Financial Services	Creates Commission, sets out membership and criteria for such, certain procedures, its duties and responsibilities, and requires it to issue a final report by 6/30/2008.
✓	6/12/07	16	Establishing the Governor's Children's Cabinet	Creates Cabinet, membership, criteria for membership, and procedure for selecting it. Explains duties and responsibilities of the Commission. States that external advisory groups will be created by the Governor to assist the Cabinet.
✓	9/5/07	17	Establishing the Joint Enforcement Task Force on Employee Misclassification	Creates Task Force, sets membership, states purpose, and lays out powers and duties of task force, orders task force to issue annual reports to Governor.
	10/15/07	18	Appointing a Commissioner to Study, Examine, Investigate and Review The Management and Affairs of The Waterfront Commission of New York Harbor	Appoints NYS Inspector General Kristine Hamann as Commissioner and delegates to her all powers under the authority of section six of the Executive Law that may be given to someone appointed by Governor for this purpose.
✓	11/22/07	19	Requiring the Adoption of Domestic Violence and the Workplace Policies	Orders the Office for the Prevention of Domestic Violence (OPDV) to review and revise the Model Domestic Violence and the Workplace Policy from July 2000 and distribute the new guidelines to each state entity which the Governor has authority or appointment power over by 2/1/2008. Each State entity is then required to issue a Domestic Violence and the Workplace policy for its office by 9/1/2008. The OPDV will then oversee its implementation, and prepare a report for the Governor by 10/1/2009 regarding the implementation of the order.
✓	12/4/07	20	Establishing the Governor's Smart Growth Cabinet	Creates Smart Growth Cabinet, lists the officials who will serve on the board, its procedures, purpose, areas of focus, duties, and responsibilities.

# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## Eliot Spitzer

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
✓	1/11/08	21	Providing for Investigation into The Deaths of Arlene Tankleff and Seymour Tankleff and Prosecution of Offenses in Connection Therewith	Requests by the authority of article IV section three of the Constitution as well as subdivisions two and three of section 63 of the Executive law that the attorney general investigate the alleged commission of any indictable offenses in violation of the law relating to the death of Arlene or Seymour Tankleff and requires the AG or designated deputies to attend a term or terms of the SC in the County of Suffolk to manage the criminal actions in the former cases. AG or his representatives supersede the DA of the County of Suffolk in this matter.
✓		22	Appointing the New York State Commission on Property Tax Relief	Establishes the commission; its membership (directly names seven individuals); its duties and responsibilities; as well as what it shall look into; its procedures and staff powers; its powers when conducting its business; as well as directing it to issue at least one interim report by 5/15/2008 and a final report by 12/1/2008.
✓	Executive Order still in force			

## David Paterson

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	3/20/08	1	Continuation and Review of Prior Executive Orders	Orders the Counsel to the Governor, in conjunction with a few other officials to conduct a 90 day review of previous executive orders, after which the Review Committee will recommend the continuation, modification, and revocation of executive orders. During review, all executive orders continue.
	4/9/08	2	Establishing a State Energy Planning Board and Authorizing the Creation and Implementation Of a State Energy Plan	Creates the board, lists its members who are state officials, sets up procedures, purposes, duties, responsibilities (including an initial plan followed by one at least every three years).
	4/9/08	3	Appointing a Commissioner to Study, Examine, Investigate and Review the Management and Affairs of the Waterfront Commission of New York Harbor	Appoints Dennis E. Martin as Commissioner, replacing current Commissioner, lays out powers (including delegating authority under section 6 of Executive Law), as well as duties and responsibilities.



# TABLE MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

## David Paterson

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	4/24/08	4	Establishing a State Green Procurement and Agency Sustainability Program	Establishes the Committee, its membership (all officials), procedures, duties and responsibilities (including an annual plan which agencies are to use for procurement). Also directs each state agency and authority to develop and implement a Sustainability and Environmental Stewardship Program that complies with criteria listed in the order. Also establishes a Council of 11 members appointed by the governor.
	5/28/08	5	Appointing a Commissioner to Study, Examine, Investigate and Review the Management and Affairs of the Waterfront Commission of New York Harbor	Appoints Joseph Fisch as Commissioner, replacing current Commissioner, lays out powers (including delegating authority under section 6 of Executive Law), as well as duties and responsibilities.
	6/4/08	6	Ensuring the Cost-effectiveness of Contracts for Personal Services	Describes Criteria that agencies must meet when engaging with private parties in Qualified Personal Services Contract (QSPC). Establishes a task force and its membership who are government officials, and its duties, powers and responsibilities which include annual reports.
	6/18/08	7	Prohibition against Personal Use Of State Property and Campaign Contributions to the Governor	Prohibits the use of state resources for non-governmental and personal purposes and lists some of the specific restrictions. Prohibits any State agency officer or employee who serves at the pleasure of the governor from donating to the Governor's campaign or any PAC organized specifically for the Governor's campaign.
	6/18/08	8	No 8: Establishing Judicial Screening Committees to Ensure that Judicial Officer Appointments are of The Highest Quality	Each Committee Shall have a Paid Staff a 1. Continues each Judicial Screening Committee. 2. Establishes a State Judicial Screening Committee, how its members will be selected, its procedures, powers including regulating lower Judicial Screening Committees, duties and responsibilities, and requires the Governor to only appoint people recommended by this Committee for certain Judicial appointments. 3. Establishes a Departmental Judicial Screening Committee in each judicial department of the state, lays out its organization, membership and how each will be chosen. Also describes each Committees powers, responsibilities, duties and jurisdiction; also requires the Governor to nominate only individuals recommended by a committee for certain positions. 4. Establishes a County Judicial Screening Committee in each county of the state and goes through the steps of each of the previous types of Committees in this order.
	6/18/08	9	No 9: Review, Continuation And Expiration Of Prior Executive Orders	Repeals all previous executive orders in their entirety with the exceptions of those set forth in the order. Orders a continued review of previous executive orders.
	6/18/08	10	Establishing a Task Force to Increase the Utilization of Minority and Women-owned Business Enterprise Underwriters for State Debt Offerings	Establishes Task force to increase participation by M/WBE investment banking firms in the issuance of state debt sold on negotiated basis, establishes which officials shall serve on task force, procedures of task force, as well as its duties and purposes which include releasing reports periodically on different subjects. State-supported debt issuers' boards will then have to amend their practices in order to be consistent with Task Force Guidelines no later than 10/15/2008.

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MODEL EXECUTIVE ORDERS SINCE 1980

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David Paterson

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	6/18/08	11	Establishing a Commission to Undertake a State Asset Analysis and Recommend Standards and Legislation to Maximize the Value and Use of Such Assets	Commission shall have staff. Establishes a Commission and how it will be appointed. Describes the Commission's procedures, duties, purpose, responsibilities.
	11/2/08	12	Establishing the New York State Council on Returning Veterans and their Families	Establishes the Council, its organization and appointment method, procedures, as well as its duties and responsibilities. Also allows Chair of Committee to establish an advisory body of outside stakeholders.
	12/12/08	13	Declaring a Disaster in the Counties of Albany, Columbia, Chenango, Delaware, Dutchess, Greene, Orange, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Sullivan, Ulster and Washington, and in Contiguous Areas	Declares a disaster, orders state agencies to implement the State Disaster Preparedness Plan, and appoints Official as the State Coordinating Officer of the operation.
	2/13/09	14	Declaring an Emergency in the County Of Erie and Extending the Period For Paying Real Property Taxes for the Town Of Clarence	Declares a disaster, orders state agencies to implement the State Disaster Preparedness Plan, and extends time for residents of the Town of Clarence to pay their property taxes without incurring penalties.
	2/12/09	15	Establishing a Task Force on Public Employee Retirement Health Care Benefits	Establishes Task Force, appoints 15 specific individuals, procedures, purposes and duties, directs staff to come from agencies that serve on task force.
	4/15/09	16	Establishing the Statewide Council of Addictions Collaborative to Improve Outcomes for New Yorkers (Action)	Establishes Councils, lists who will be its members, its duties and responsibilities, and areas of focus.
	4/27/09	17	Establishing Measures to Evaluate Costs of Mandates on Local Government to Advance Property Tax Relief	Requires every State entity that Governor has some control over(loosely defined) to meet certain requirements and criteria before recommending, proposing, publishing, or submitting any legislation or regulation that would mandate a local government to undertake certain activities, or mandate certain changes in property taxes, or any legal requirement that would likely have the effect of raising property taxes. Also requires each state entity affected to review its regulations and report to certain select individuals proposed changes to regulations that could reduce the impact of existing mandates on local governments in an effort to generate property tax relief for NYS property taxpayers.
	5/5/09	18	Restricting the Use of Bottled Water at State Facilities and Promoting Executive Agency Sustainability	Calls for all the State entities for which the Governor has Executive Power over to begin developing and implementing a plan to eliminate state expenditures for the purchase of bottled water for use at executive agency facilities with the goal of eliminating such expenditure by 5/1/2010. Implementation of this order will be overseen by the Director of State Operations and the Commissioner of General Services.
	5/13/09	19	Establishing a Task Force on Diversifying the New York State Economy through Industry-higher Education Partnerships	Establishes a task force, its organization, the appointment method, procedures, duties and responsibilities, area of focus powers.
	5/29/09	20	Naming the State Justice Building the Robert Abrams Building for Law And Justice	In the Title

# TABLE

## MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

### David Paterson

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	6/2/09	21	Establishing the Governor's Task Force on the Prevention of Childhood Lead Poisoning	Establishes task force; lists its members, organization and procedure; duties and responsibilities; purposes; area of focus/
	6/5/09	22	Establishing a Broadband Development and Deployment Council	Creates Council, how its membership will be determined, procedures, powers, duties, responsibilities and purpose.
	6/27/10	22.1	Establishing a Broadband Development and Deployment Council	Creates Council, how its membership will be determined, procedures, powers, duties, responsibilities and purpose.
	6/24/09	23	Establishing a Task Force on Police-on-police Shootings	Establishes task force; the selection process for members; procedures; duties and responsibilities; purpose; areas of focus; state entities that will provide it with necessary staff.
	8/6/09	24	Establishing a Goal to Reduce Greenhouse Gas Emissions Eighty Percent By The Year 2050 and Preparing a Climate Action Plan	Establishes the goal of the State of NY to reduce greenhouse gas emissions from all sources within the states by 80% from 1990 numbers by the year 2050. Creates a Climate Action Council, lists its membership, its duties and responsibilities, organization, etc.
	8/6/09	25	Establishing a Regulatory Review and Reform Program	Creates a Regulatory Review and Reform Program to evaluate, reform, or repeal, where necessary, regulatory rules. Orders the Review Committee, in consultation with the head of the participating agencies, to review the current rules in a certain manner and upon completing this review orders the agencies to report on suggested changes or reasons for declining changes. Review Committee can follow up by agreeing with agency, order for more analysis, or direct the agency to make changes.
	8/10/09	26	Declaring a Disaster in the Counties of Cattaraugus, Chautauqua and Erie and Contiguous Areas	Declares a Disaster and order the implementation of the State Disaster Preparedness Plan, authorizing state entities to assist local governments. This effort will be coordinated by John R. Gibb who is Director of SEMO. Further, order provides relief from parts 390-399 of the Federal Motor Carrier Safety Regulations.
	9/1/09	27	Authorizing New York City Off-track Betting Corporation to File Petition Under Provisions of The Laws of The United States for Composition Or Adjustment Of Municipal Indebtedness	Authorizes NYC Off-Track Betting Corporation as reconstituted and continued in existence pursuant to Section 27 of Chapter 115 of the Laws of 2008 to file a petition with any U.S. court for the composition or adjustment of municipal indebtedness.
	10/21/09	29	Declaring a Disaster in the County Of Essex and Contiguous Areas	Pursuant to Section 28 of Article 2-B of the Executive Law declares a State Disaster Emergency, directs all state agencies and authorities which Governor has Executive authority over to help with the repair, restoration or replacement of a road near Champlain Bridge; directs state agencies to protect state property and assist local governments in protecting public health and safety; suspends any statutes, laws, ordinances, orders, rules or regulations if compliance would prevent, hinder or delay action necessary to cope with disaster; temporarily suspends a list of specific statutes indefinitely; directs State agencies and authorities to undertake projects to provide for alternative means of crossing Lake Champlain; designates John R. Gibb as the State Coordinating Officer in these efforts.

TABLE  
MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

David Paterson

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	11/15/09	28.1	Continuing the Declaration of a Disaster in the County of Essex and Contiguous Areas and Suspending Certain Provisions of Law	Continues the provisions in the previous order, including the suspension of laws, for an additional thirty days.
	12/15/09	28.2	Continuing the Declaration of a Disaster in the County Of Essex and Contiguous Areas and Suspending Certain Provisions of Law	Extends many of the provisions of the initial executive orders for another thirty days
	1/15/10	28.3	Continuing the Declaration of a Disaster in the County Of Essex and Contiguous Areas and Suspending Certain Provisions of Law	Extends many of the provisions of the initial executive orders for another thirty days
	2/12/10	28.4	Continuing the Declaration of a Disaster in the County Of Essex and Contiguous Areas and Suspending Certain Provisions of Law	Extends many of the provisions of the initial executive orders for another thirty days
	3/12/10	28.5	Continuing the Declaration of a Disaster in the County of Essex and Contiguous Areas and Suspending Certain Provisions of Law	Extends many of the provisions of the initial executive orders for another thirty days
	4/12/10	28.6	Continuing the Declaration of a Disaster in the County of Essex and Contiguous Areas and suspending Certain Provisions of Law	Extends many of the provisions of the initial executive orders for another thirty days
	5/10/10	28.7	Continuing the Declaration of a Disaster in the County of Essex and Contiguous Areas and Suspending Certain Provisions of Law	Extends many of the provisions of the initial executive orders for another thirty days
	10/28/09	29	Declaring a Disaster Emergency in the State of New York	Declares a Disaster throughout NYS pursuant to Section 28 of Article 2-B of the Executive Law in regards to the H1N1 influenza. Directs the implementation of the State Disaster Preparedness Plan and authorizes all necessary state agencies to assist local governments and individuals in responding to H1N1, protecting state and local property, and providing other assistance as is necessary to protect public health and safety. Also, temporarily suspend or modify, as the case may be, a number of provisions of statutes, rules or regulations for 30 days for the purpose of supplying the vaccine throughout the state.
	Not dated, presumably 11/25 or 11/28/2009	29.1	Continuing the temporary suspension and modification of Statutory and Regulatory Provisions regarding the Administration of Vaccinations against 2009 H1n1 Influenza and Seasonal Influenza	Continuing the Temporary Suspension and modification of Statutory and Regulatory Provisions regarding the Administration of Vaccinations against 2009 H1n1 Influenza and Seasonal Influenza
	12/24/09	29.2	Further continuing the temporary suspension and modification of Statutory and Regulatory Provisions regarding the Administration of Vaccinations against 2009 H1n1 Influenza and Seasonal Influenza	Continues the Temporary Suspension of Provisions of Certain Statues, Rules and Regulations from the Previous Order until 1/23/2010

# TABLE

## MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

### David Paterson

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	1/22/10	<b>29.3</b>	Further Continuing the Temporary Suspension and Modification Of Statutory and Regulatory Provisions regarding the Administration Of Vaccinations against 2009 H1n1 Influenza and Seasonal Influenza	Continues the temporary suspension of provisions of certain statues, rules and regulations from the previous order until 2/21/2010.
	2/18/10	<b>29.4</b>	Further continuing the Temporary Suspension and Modification Of Statutory and Regulatory Provisions regarding the Administration of Vaccinations against 2009 H1n1 Influenza and Seasonal Influenza	Continues the temporary suspension of provisions of certain statues, rules and regulations from the previous order until 3/20/2010.
	3/18/10	<b>29.5</b>	Further continuing the Temporary Suspension and Modification of Statutory and Regulatory Provisions regarding	Continues the temporary suspension of provisions of certain statues, rules and regulations from the previous order until 4/17/2010.
	11/12/09	<b>30</b>	Enhancing Participation of New Yorkers in the 2010 Census	Establishes the New York 2010 Census Complete Count Committee, as well as the New York Census Action Council to assist it, and lists both entities' membership, organization, and procedures. Orders the Committee through the Council to develop, recommend, and implement a census outreach strategy in consultation with certain other entities and organizations, as well as some of the criteria the strategy must address.
Not listed		<b>31</b>	Setting Forth the Responsibilities, Duties and Powers of the Stimulus Oversight Panel	Establishes Panel, lists its members, purpose, organization, functions, duties, and powers.
Not listed		<b>32</b>	Establishing the Governor's Task Force on the Implementation of the 2009 Public Authorities Reform Act	Establishes Task force and method for how members will be selected, duties, powers, responsibilities.
	12/16/09	<b>33</b>	Prohibiting Discrimination in State Employment on the Basis of Gender Identity	Defines Gender Identity and prohibits any state agency from discriminating on the basis of gender identity on any matter pertaining to employment. Also directs the Office of Employee Relations, in consultation with the Executive Director of the Division of Human Rights to distribute guidelines prohibiting discrimination based on gender identity. Furthermore, it directs The Office of Employee Relations to implement a procedure, that conforms to a few listed guidelines in the order, for investigation any allegation of discrimination based on gender identity.
	2/10/10	<b>34</b>	Declaring an Emergency in the County of Nassau and extending the Period for Paying Real Property Taxes in the Towns of Hempstead, North Hempstead and Oyster Bay	Declares a disaster pursuant to Section 28 of Article 2-B of the Executive Law and pursuant to section 925-a(2) of the Real Property Tax Law, extends the period for paying the real property taxes without interest or penalty until 2/17/2010 in the towns of Hempstead, North Hempstead, and Oyster Bay.
	12/31/09	<b>34.1</b>	Declaring an Emergency in order to allow New Jersey Police Officers to provide Enhanced Security on Passenger Ferries between New York and New Jersey in order to better protect passengers from any terrorist or other threat	Declares an emergency pursuant to Sections 28 and 29-g of Article 2-B, concerning the safety of ferry passengers between NY and NJ. Requests NJ to make its law enforcement officers available to provide enhance security on ferries traveling between NY and NJ and gives the NJ law enforcement officers all law enforcement powers while doing so. Revokes Executive Order 34 and will remain in effect until 1/2/2010

TABLE  
MODEL EXECUTIVE ORDERS SINCE 1980

CONTINUED

David Paterson

SPECIAL NOTES	DATE	NO.	TITLE	PURPOSE
	2/18/10	35	Rescinding Section II of Executive Order 142	Rescinds section II of Executive Order 142 (Pataki), which required state agencies and authorities to use a certain amount of bio-diesel and other green energy items in their fleets and vehicles.
	3/3/10	36	Declaring a Disaster in the Counties of Broome, Chenango, Clinton, Essex, Franklin, Greene, Jefferson, Lewis, Onondaga, Otsego, St. Lawrence, Schenectady, Steuben and Tioga	Declares a State Disaster Emergency pursuant to Section 28 of Article 2-B of the Executive law, effective 1/24/2010???, states that the order satisfies the requirements of the terms of Sections 120 (e) and 125 of Title 23 of the USC, designates Stanley Gee as coordinating officer of this effort.
	4/26/10	37	Declaring a Disaster in the Counties of Columbia, Dutchess, Greene, Orange, Putnam, Rockland, Ulster and Westchester with respect to extensive damage caused to Federal-aid highways	Declares a State Disaster Emergency pursuant to Section 28 of Article 2-B of the Executive law, effective 2/24/2010???, states that the order satisfies the requirements of the terms of Sections 120 (e) and 125 of Title 23 of the USC, designates Stanley Gee as coordinating officer in this effort.

# TABLE

## FIRST YEAR EXECUTIVE ORDERS

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## TABLE

### FIRST YEAR EXECUTIVE ORDERS

#### Mario Cuomo 1983

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE
1/11/83	1	Relating to the Continued Validity of Executive Orders previously issued	Directs the Secretary of the Governor in conjunction with other officials to review the effectiveness of the EO as a policy tool as well as the usefulness of previous Eos.	2/15/83	11
1/11/83	2	Establishing the position of State Director of Criminal Justice	Creates a State Director of Criminal Justice and lays out that person's duties and responsibilities	Ongoing	4
1/18/83	3	Establishing a Board of Public Disclosure*	Revokes and supersedes Carey's EO 10.3, creates a Board of Public Discourse which reviews financial statements of certain individuals in the Executive Branch; sets up membership and guidelines for that board.	Ongoing	6, 8
2/15/83	4	Establishing the Emergency Task Force on the Homeless	Establishing the Emergency Task Force on the Homeless	Ongoing	6
2/16/83	5	Establishing the Women's Division in the Executive Chamber*	Establishing the Women's Division in the Executive Chamber*	Ongoing	8, creation of position
2/18/83	6	Assigning responsibilities of the State Department of Civil Service, and certain State agencies for insuring equal employment opportunity for minorities, women, disabled persons and Vietnam era veterans in State government and establishing the Governor's executive committee for affirmative action*	Lays out responsibility of President of the Civil Service Commission in regards to affirmative action; creates the Governor's Executive Committee for Affirmative Action; Creates the Affirmative Action Advisory Council	Ongoing	6, 8, 14, other
2/18/83	7	Establishing a Governor's Advisory Committee for Hispanic Affairs	Creates an advisory Council to Governor, deliantes its membership powers, and responsibilities	Ongoing	6
2/25/83	8	Directing State agencies to consider labor relations practices when awarding State contracts	Orders State agencies who award contracts to consider labor practices of any firm bidding	Ongoing	8, 13
3/4/83	9	Establishing the Judicial Screening Committees*	Creates Judicial Screening Committees to advise the Governor on candidates' qualifications for Judicial Appointments	Ongoing	6, 8
3/17/83	10	Establishing a Job Training Partnership Committee*	Creating a Committee within the Executive Branch to assist in the development, implementation, and analysis of the State's employment and training program.	Ongoing	6
4/26/83	11	Expanding the membership and powers of the Securities Coordinating Committee*	Expanding the duties and membership of the NYS Securities Coordinating Committee, itself the creation of an executive order by Carey in 1977	Ongoing	8
5/3/83	12	Directing the State Office for the Aging to review and comment upon policies affecting the elderly	Directs each division within the Executive Department and all other departments of the State to submit for review all proposed legislation, regulations, orders and plans which may significantly affects the elderly of the State to the Office for the Aging who shall review and report on the proposals. Revokes Executive Order 34 (1976).	Ongoing	8, 11
5/12/83	13	Declaring a disaster emergency in the counties of Broome, Chautauqua, Chemung and Tioga and directing State agencies to assist local authorities	Declares Diaster and further steps State agencies shall take	N/A	2



# TABLE FIRST YEAR EXECUTIVE ORDERS

CONTINUED

## Mario Cuomo 1983

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE
5/12/83	14	Declaring a disaster emergency in the County of Oneida and directing State agencies to assist local authorities	Declares Disaster and further steps State agencies shall take	N/A	2
5/16/83	15	Establishing an Interagency Task Force on Acquired Immune Deficiency Syndrome (AIDS)	Creates taskforce, membership, powers and responsibilities (including 6 month reports).	Ongoing. Superseded by Executive Order 99.	6
5/20/83	16	Establishing the Council on Fiscal and Economic Priorities	Creates a Council within the Executive Chamber, sets out membership (22 members all appointed by Governor non-state officials) and criteria for selecting them, purpose, powers and responsibilities (including annual reports).	Ongoing. Superseded by Executive Order 16.1	6
5/31/83	17	Establishing State Policy on Private Institutions which Discriminate	Prohibits state officials and employees from sponsoring, organizing, attending, or participating in any meeting or activity, whose purpose relates to state business, with any private establishment which discriminates based on specific criteria.	Ongoing	11
5/31/83	18	Establishing the Commission on Domestic Violence	Creates the Commission within the Executive Department, membership will be twenty and certain criteria will be met with respect of this, sets out who will appoint how many members, purpose, powers and responsibilities of Commission.	Ongoing Superseded by EO #123 (Cuomo)	6, 8.
5/31/83	19	New York State Policy Statement on Sexual Harassment in the Workplace	Directs the head of all entities under the jurisdiction of the Executive Branch to take certain measures regarding Sexual Harassment in the Workplace and defines Sexual Harassment in the Workplace.	Ongoing	11
7/25/83	20	Establishing a temporary Commission on Allocation of Power Authority Hydroelectric Power	Creates Commission within the Executive Branch; sets membership at nine, all appointed by the Governor; its purpose, powers and responsibilities (including a one time report).	10/1/83	6a
8/3/83	21	Prescribing arrangements for establishing a State program for contract compliance and minority and women-owned business enterprise	Creates in the Executive Chamber an Office for guiding and overseeing the programs of all entities covered in this order, relating to its purposes; sets out function of certain officials with regards to this act; establishes a Governor's Executive Committee on Minority and Women-Owned Business Development as well as an Advisory Council for Minority and Women-Owned Business Enterprise, sets out the membership, purpose, and powers and responsibilities of both; establishes NYS policy on this issue which, among other things, seeks to achieve that 12% of all dollar amounts of contracts the State award annually shall go to minority business enterprises as well as an increase in women-owned business enterprises.	Ongoing	4, 6, 8, 11.
8/23/83	22	Establishing the Task Force on Rural Development	Creates Task Force, establishes who will serve on it, its purpose, powers and responsibilities (including an annual report).	Ongoing	6

# TABLE FIRST YEAR EXECUTIVE ORDERS

CONTINUED

## Mario Cuomo 1983

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE
9/1/83	23	Establishing the Office of NYS Ombudsman	Designates the Secretary of State as the NYS Ombudsman and directs the Secretary of State to establish the Office of the NYS Ombudsman in the Department of State as well as lays out that offices functions. Does have paid staff.	Ongoing	4
9/20/83	24	Establishing the Select Commission on the Future of the State-Local Mental Health System	Creates Commission, its membership (all appointed by Governor), purpose, duties and responsibilities.	4/15/83	6a
9/30/83	25	Establishing the New York State Hazardous Waste Treatment Facilities Task Force	Creates Task Force; who will serve on it (state officials and private people); who will appoint people to it and how many; purpose; powers and responsibilities. Outlines a three phase approach the Task Force will follow.	3/1/1984.	6a
10/7/83	26	Directing the State Office of Advocate for the Disabled to review comment upon policies affecting persons with disabilities	Directs each division within the Executive Department and all other departments of the State to submit for review all proposed legislation, regulations, orders and plans which may significantly affects people with disabilities in the State to the Office of Advocate for the Disabled who shall review and report on the proposals. Defines who shall count as person with disability.	Ongoing	11
10/18/83	27	Establishing the Office of Management and Productivity	Establishes Office and Director; purposes; duties and responsibilities; establishes an advisory Council, criteria for its membership, purposes. Duties and responsibilities.	3/31/1986 Also says superseded by EO # 20 (Pataki), Cuomo might have extended it look into this	4, 6
11/18/83	28	Establishing a Task Force on Sexual Orientation Discrimination	Prohibits state agencies and departments from discriminating on the basis of sexual orientation; directs the Office of Employee Relations to establish clear and consist guidelines on the matter and to implement a procedure for dealing with allegations that discrimination took place. Establishes a task force and designates which state officials will serve on it. The task force shall make recommendations and issue reports on the issue.	Ongoing, Paragraph 3 was amended by EO # 28.1 (Cuomo)	6, 11
12/8/83	29	Guidelines for the purchase of steel for use on construction contracts	Sets out criteria for agency and department heads to follow when implementing section 146 of State Finance Law. Also directs agency and department heads who find that the use of American steel would mean an unreasonable increase in cost of a certain contract to submit a report to the Director of State Operations outlining how they came to that conclusion.	Ongoing	11
12/28/83	30	Declaring a disaster emergency in the City of Buffalo and directing State agencies to assist local authorities	Declares Diaster and further steps State agencies shall take	N/A	2

# TABLE FIRST YEAR EXECUTIVE ORDERS

CONTINUED

## Mario Cuomo 1983

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE
12/29/83	31	Directing that the Chief of Staff to the Governor order into active service the organized militia to assist civil agencies and authorities in the City of Buffalo in disaster recovery efforts	Orders into service all active organized militia in the State to help deal with the emergency in the City of Buffalo (see previous order) and appoints Chief of Staff to the Governor as Commander of these forces.	N/A	2
12/29/83	32	Renaming the New York State Office of Disaster Preparedness to be the New York State Emergency Management Office	Renames Office	One time	3
12/29/83	33	Directing the Commissioner of Environmental Conservation to conduct an industrial chemical survey	Directs the Commissioner of Environmental Conservation to develop a survey for the safe use and proper disposal of potentially toxic chemicals in the State; lists which facilities shall participate in the survey; requires new facilities seeking a permit fill out this survey; requires the Commissioner to take further steps (such as issue a report on his/her findings) after the survey is completed.	Ongoing (for most part)	11

## George Pataki 1995

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE
1/2/95	1	Ordering a Freeze on Hiring	Orders a hiring freeze upon all entities which he has executive power over. In addition, orders the Director of the Budget to issue guidelines for implementing the order, and a way for exemptions to be made.	Not specified	11
1/5/95	2	Ordering a Moratorium on Proposed Rules and Regulations	Establishes a 90 day moratorium on the adoption of any rule or regulation proposed pursuant to the State Administrative Procedure Act by any entity which the Governor has executive power over (some exceptions can be made). During these 90 days, each entity shall review current rules and regulations and submit written reports on ways to modify or withdraw rules and regulations that unduly burden the economy.	4/5/1995 (extended by EO #7, EO #14 see below)	11
1/5/95	3	Continuation and Review of Prior Executive Orders	Orders the Counsel to the Governor, in conjunction with other officials, to review and evaluate all EO's currently in effect within 90 days. Additionally, declares all previous EO's will remain in effect unless any specific action is taken. Prohibits entities that were created with an EO from entering into any financial or contractual obligations until the review is ended.	4/5/1995	9
1/10/95	4	Continuing the Commission for the Study of Youth Crime and Violence and Reform of the Juvenile Justice System	Continues EO 177 (Cuomo) with some amendments in membership and to the report.	3/31/95	11

# TABLE FIRST YEAR EXECUTIVE ORDERS

CONTINUED

## George Pataki 1995

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE
1/24/95	<b>1/24 /95</b>	Ordering that the Commissioner of the Department of Correctional Services Bar the Transfer of Certain Inmates Sentenced as Violent Felony Offenders to Temporary Release Programs and Residential Treatment Facilities	Directs the Commissioner of the Department of Correctional Services to amend or adopt any rules or regulations which prohibit criminals convicted of specific types of crimes listed in the order from participating in the early release program.	Ongoing (Superseded by EO #5.1)	11
1/31/95	<b>6</b>	Requiring the attorney general to supersede the district attorney of Otsego County with respect to the prosecution of the homicide allegations regarding Colin Hyde	In title	Not specified	11
4/5/95	<b>7</b>	Ordering a Moratorium on Proposed Rules and Regulations	Extends EO #2 through 6/30/1995.	6/30/95	9
5/12/95	<b>8</b>	Establishing the New York state Advisory Commission on Privatization and the New York State Research Council on Privatization	Creates both a Commission and Council on Privatization; denotes its members or how members will be chosen as the case may be and their duties and responsibilities.	Ongoing	6
5/16/95	<b>9</b>	Requiring the Attorney General to Supersede the District Attorney of Westchester County with Respect to a Certain Matter	In title; certain matter refers to the New York State Affordable Housing Corporation receiving an application from the Housing Action Council in Westchester which allegedly contains false information, Governor Pataki is somehow acquainted with the people involved.	Not specified	11
4/25/95	<b>10</b>	Establishing Judicial Screening Committees to Ensure that Judicial Officer Appointments are of the Highest Quality	Amends Judicial Screening Committees that had been created in previous EO's. Sets out purposes, duties, and responsibilities of judicial screening committees, creates them at the State, Department, and County level, and designates who will serve on each.	Ongoing (Continued and amended by EO #10.1)	5, 8
4/25/95	<b>11</b>	Establishing a Temporary Judicial Screening Committee to Ensure that Judicial Officer Appointees are of the Highest Quality	Establishes a Temporary Judicial Screening Committee, until the ones created by the previous order are fully operational; determines how members will be chosen; lays out its duties and responsibilities which are similar to the ones created in the previous order.	Until the permanent ones are operational	5a.
4/25/95	<b>12</b>	Establishing the Committee to Evaluate and Recommend Candidates for Appointment as Interim District Attorney or Sheriff	Creates Committee; lists who will serve on it by name; its powers and responsibilities.	Ongoing	6
4/25/95	<b>12.1</b>	Establishing the Committee to Evaluate and Recommend Candidates for Appointment as Interim District Attorney or Sheriff	Extends EO #12 but amends the memberships	One time	8
4/28/95	<b>13</b>	Ordering the Director of the Division of Probation and Correctional Alternatives to Bar the Diversion Under the Probation-Eligible Diversion Program of Felony Sex Crime Offenders from State Prison Sentences	Orders that the State Director of the Division of Probation and Correctional Alternatives to prohibit felony sex offenders from being eligible for the Probation-Eligible Diversion Program, which allows alternatives to jail-time for first time non-violent felony offenders.	Ongoing	11
7/6/95	<b>14</b>	Ordering a Moratorium on Proposed Rules and Regulations	Extends EO # 2 through 9/30/1995	9/30/95	9

# TABLE

## FIRST YEAR EXECUTIVE ORDERS

CONTINUED

### George Pataki 1995

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE
7/18/95	15	Declaring a Disaster Emergency in the Counties of Jefferson, Lewis, St. Lawrence and Contiguous Areas	Declares Diaster and further steps State agencies shall take	N/A	2
8/24/95	16	Declaring a Disaster Emergency in Suffolk County and Contiguous Areas	Declares Diaster and further steps State agencies shall take	N/A	2
9/1/95	17	Ordering That the Commissioner of the Department of Correctional Services Bar the Transfer of Certain Inmates Sentences as Homicide Offenders or Sex Offenders to Temporary Release Programs and Residential Treatment Facilities	Directs the Commissioner of the Department of Correctional Services to change rules and regulations as may be necessary from time to time to prevent anyone convicted of any homicide offense, certain sex offenses, or any attempt or conspricacy to commit these crimes from partaking in any temporary release program or residential treatment facility.	Ongoing	11
9/22/95	18	Establishing the Ad Hoc Task Force on New York's Prospective Hospital Reimbursement Methodology	Establishes Committee, number of members, and duties and responsibilities.	3/1/96	6a.
10/25/95	19	Discontinuing Access by the Citizens' Utility Board to State Agency Mailings	Revokes EO 141 (Cuomo 1991), which gave the Citizens' Utility Board access to State agency mailings.	One time	8
11/30/95	20	Establishing the Position of State Director of Regulatory Reform	Creates Position, responsibilities of the position,criteria for evaluating proposed rules, procedures state agency heads, the Director, and other officials the Order lists must follow for new rules and regulations for deciding on whether to adopt a new rule.	Ongoing	4, 11

### David Paterson 2008

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE
3/20/08	1	Continuation and Review of Prior Executive Orders	Orders the Counsel to the Governor, in conjunction with a few other officials to conduct a 90 day review of previous executive orders, after which the Review Committee will recommend the continuation, modification, and revocation of executive orders. During review, all executive orders continue.	Jun-08	11
4/9/08	2	Establishing a State Energy Planning Board and Authorizing the Creation and Implementation of a State Energy Plan	Creates the board, lists its members who are state officials, sets up procedures, purposes, duties, responsibilities (including an initial plan followed by one at least every three years).	Ongoing	6
4/9/08	3	Appointing a Commissioner to Study, Examine, Investigate and Review the Management and Affairs of the Waterfront Commission of New York Harbor	Appoints Dennis E. Martin as Commissioner, replacing current Commissioner, lays out powers (including delegating authority under section 6 of Executive Law), as well as duties and responsibilities.	One time	4
4/24/08	4	Establishing a State Green Procurement and Agency Sustainability Program	Establishes the Committee, its membership (all officials), procedures, duties and responsibilities (including an annual plan which agencies are to used for procurement). Also directs each state agency and authority to develop and implement a Sustainability and Environmental Stewardship Program that complies with criteria listed in the order. Also establishes a Council of 11 members appointed by the governor.	Ongoing	5, 6, 8, 11.

# TABLE FIRST YEAR EXECUTIVE ORDERS

CONTINUED

## David Paterson 2008

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE
5/28/08	5	Appointing a Commissioner to Study, Examine, Investigate and Review The Management and Affairs of the Waterfront Commission of New York Harbor	Appoints Joseph Fisch as Commissioner, replacing current Commissioner, lays out powers (including delegating authority under section 6 of Executive Law), as well as duties and responsibilities.	One time	4
6/4/08	6	Ensuring the Cost-effectiveness of Contracts for Personal Services	Describes Criteria that agencies must meet when engaging with private parties in Qualified Personal Services Contract (QSPC). Establishes a task force and its membership who are government officials, and its duties, powers and responsibilities which include annual reports.	Ongoing	6, 11.
6/18/08	7	Prohibition Against Personal Use of State Property and Campaign Contributions to the Governor	Prohibits the use of state resources for non-governmental and personal purposes and lists some of the specific restrictions. Prohibits any State agency officer or employee who serves at the pleasure of the governor from donating to the Governor's campaign or any PAC organized specifically for the Governor's campaign.	Ongoing	11
6/18/08	8	Establishing Judicial Screening Committees to Ensure That Judicial Officer Appointments are of the Highest Quality	Each Committee Shall have a Paid Staff. Continues each Judicial Screening Committee. 2. Establishes a State Judicial Screening Committee, how its members will be selected, its procedures, powers including regulating lower Judicial Screening Committees, duties and responsibilities, and requires the Governor to only appoint people recommended by this Committee for certain Judicial appointments. 3. Establishes a Departmental Judicial Screening Committee in each judicial department of the state, lays out its organization, membership and how each will be chosen. Also describes each Committees powers, responsibilities, duties and jurisdiction; also requires the Governor to nominate only individuals recommended by a committee for certain positions. 4. Establishes a County Judicial Screening Committee in each county of the state and goes through the steps of each of the previous types of Committees in this order.	Ongoing	5, 9
6/18/08	9	No 9: Review, Continuation and Expiration Of Prior Executive Orders	Repeals all previous executive orders in their entirety with the exceptions of those set forth in the order. Orders a continued review of previous executive orders.	One time	8, 9
6/26/08	10	Establishing a Task Force to Increase the Utilization of Minority and Women-owned Business Enterprise Underwriters for State Debt Offering	Establishes Task force to increase participation by M/WBE investment banking firms in the issuance of state debt sold on negotiated basis, establishes which officials shall serve on task force, procedures of task force, as well as its duties and purposes which include releasing reports periodically on different subjects. State-supported debt issuers' boards will then have to amend their practices in order to be consistent with Task Force Guidelines no later than 10/15/2008.	1/31/10	5A.
10/2/08	11	Establishing a Commission to Undertake a State Asset Analysis and Recommend Standards And Legislation to Maximize the Value and Use of Such Assets	Commission shall have staff. Establishes a Commission and how it will be appointed. Describes the Commission's procedures, duties, purpose, responsibilities.	4/1/2009	6a.
11/2/08	12	Establishing the New York State Council on Returning Veterans and Their Families	Establishes the Council, its organization and appointment method, procedures, as well as its duties and responsibilities. Also allows Chair of Committee to establish an advisory body of outside stakeholders.	ONGOING	6

TABLE  
FIRST YEAR EXECUTIVE ORDERS

CONTINUED

David Paterson 2008

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE
12/12/08	13	Declaring a Disaster in the Counties of Albany, Columbia, Chenango, Delaware, Dutchess, Greene, Orange, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Sullivan, Ulster and Washington, and in Contiguous Areas	Declares a disaster, orders state agencies to implement the State Disaster Preparedness Plan, and appoints Official as the State Coordinating Officer of the operation.	N/A	2

TABLE  
**STATE GOVERNMENT ENTITIES  
CREATED BY EXECUTIVE ORDER**

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## TABLE

### STATE GOVERNMENT ENTITIES CREATED BY EXECUTIVE ORDER

#### Positions or Offices

GOVERNOR	DATE	NO.	ENTITY	PURPOSE	STAFF
Cuomo	1/11/83	<b>2</b>	State Director of Criminal Justice	Advise the Governor on Criminal Justice matters, coordinate state efforts on this topic	No
Cuomo	2/22/83	<b>5</b>	Establishing the Women's Division in the Executive Chamber		Yes*
Cuomo	9/1/83	<b>23</b>	Office of NYS Ombudsman	Advise and assist the Governor in developing State programs designed to meet the needs of the people of the State, take lead coordinating and implementing existing and future programs on this topic.	Yes, within the funds allocated to it, and with approval of Director of the Budget
Cuomo	5/2/86	<b>82</b>	Governor's Office for Hispanic Affairs	Advise, Assist, and take the lead on developing and implementing programs that seek the advancement of the Hispanic community.	Yes*
Cuomo	7/31/91	<b>147</b>	Office of Indian Relations	To act as a liason with the Indian Nation, to create interagency policies and guidelines that will aid in the coordination of state initiatives with the Indian nations and to encourage other state agencies to undertake new initiatives.	Yes
Pataki	11/30/95	<b>20</b>	Director of Regulatory Reform		
Pataki	11/13/96	<b>45</b>	State Director of Consumer Protection		
Pataki	8/19/98	<b>86</b>	NYC Watershed Inspector General		
Pataki	5/19/01	<b>109</b>	Special Prosecutor to Investigate and Prosecute Criminal Acts Relating to Fraudulent Motor Vehicle Insurance Claims		
Pataki	1/28/02	<b>117</b>	Chief Information Officer (CIO) of The State Of New York		
Pataki	6/16/03	<b>128</b>	Special Assistant for Lower Manhattan Development		
Pataki	11/22/04	<b>133</b>	Lower Manhattan Construction Command Center		

\* Only lists a Director but it is implied that there will be a staff. The newest budget doesn't list it by name, presumably included in Executive Chamber. The Director may appoint such officers and employees, agents, consultants and other staff as the Director may deem necessary, prescribe their duties, fix their compensation where allowable and provide for reimbursement of their actual and necessary expenses within amounts available therefor by appropriation.

TABLE  
STATE GOVERNMENT ENTITIES CREATED BY EXECUTIVE ORDER *CONTINUED*

Government Entities Which Can Make Rules or Policies

GOVERNOR	DATE	NO.	ENTITY	PURPOSE	STAFF
Cuomo	2/18/83	6	Governor's Executive Committee for Affirmative Action (interagency)	To the Governor and assist the President of the Civil Service Commission in the formulation and coordination of plans	No
Cuomo	4/26/83	11	Securities Coordinating Committee*	Coordinate the activities of the different state entities who issue debt obligations, oversees their activities.	No**
Cuomo	4/27/87	97	Governor's Traffic Safety Committee	The Committee shall coordinate the highway safety activities of State and local agencies, other public and private agencies and interested individuals and organizations. Powers pursuant to section 16-A of the Executive Law are delegated to the Committee.	Yes***
Cuomo	5/22/89	125	Council of Contracting Agencies	Shall establish procedures to ensure the systematic collection and timely exchange of information relevant to agency determinations of responsibility and reliability of bidders, contractors and proposed subcontractors	No
Cuomo	12/4/89	130	Crime Proceeds Strike Force to Investigate and Prosecute Certain Economic Activities Constituting Penal, Tax, and Banking Law, Violations Relating to Money Laundering		
Cuomo	12/30/93	179	New York State Commission on National and Community Service	Administering and Implementing the Federal Government's National and Community Service Trust Act of 1993, in consultation with other agencies	No
Pataki	10/1/96	50	Governmental Commission to Investigate the Recovery of Holocaust Victims' Assets	To conduct a coordinated investigation into assets, deposited with Swiss financial institutions by victims of the Holocaust during the period of 1933 to 1945 and which were subsequently transferred to New York State prior to or during the Second World War	No
Pataki	10/23/97	57	Watershed Protection and Partnership Council	Functions shall be in accordance with the terms and conditions of Article IV of the Watershed Agreement and any amendments thereto.	No
Pataki	1/7/02	116	State Drought Management Task Force	To approve the State Drought Management Coordination Plan and periodically recommend and approve updates to such Plan; To coordinate drought related activities in accordance with the Plan including recommending when to declare a disaster, keeping an inventory of existing resources, coordinating efforts with local governments; to recommend legislation and needed funds to improve state efforts.	No
Spitzer	9/5/07	17	Joint Enforcement Task Force on Employee Misclassification		
Paterson	4/24/08	4	Interagency Committee on Sustainability and Green Procurement		
Paterson	6/18/08	8	Judicial Screening Committees***		
Paterson	Not listed	31	The Stimulus Oversight Panel		

# TABLE

## STATE GOVERNMENT ENTITIES CREATED BY EXECUTIVE ORDER *CONTINUED*

- \* Actually created by Gov. Carey through EO # 61, but this is the one that is in force.
- \*\* Can maintain a financial consultant
- \*\*\* The Committee may employ such additional personnel as it may deem necessary or desirable to fulfill the purposes of this Order and of article 16-A of the Executive Law & Included is the Council, Executive Committee and the various Subcommittees. Order doesn't differentiate between purposes of each to the point of including them separately.
- \* Originally created by a 1977 executive order. Expanded membership and jurisdiction in 1983.
- \*\* This order re-established the Committee, it did not create it for the first time.
- \*\*\* This created multiple different Judicial Screening Committees, for example one for each county in the state.

### Advisory Councils, Boards, or Task Forces.

GOVERNOR	DATE	NO.	ENTITY	PURPOSE	STAFF
Cuomo	2/18/83	6	Creates the Affirmative Action Advisory Council (Interagency)	To advise the President of the Civil Service Commission on all existing and proposed policies, procedures, practices and programs relating to or affecting affirmative action	No
Cuomo	2/18/83	7	Governor's Advisory Committee for Hispanic Affairs	Identify and evaluate areas of particular concern to the Hispanic community and submit recommendations to the Governor for his review	No
Cuomo	1/13/84	32	New York State Human Rights Advisory Council	Assist the Division of Human rights in the development and execution of programs whose objectives are to ensure the human rights of NYS citizens.	No
Cuomo	12/20/84	56	New York State Task Force on Life and the Law	Undertake studies of the ethical and legal implications of particularly controversial medical practices such as do not resuscitate orders and artificial insemination.	No
Cuomo	6/5/85	66	Governor's Advisory Committee for Black Affairs	Identify and evaluate areas of particular concern to the Black community and submit recommendations to the Governor for his review. Can create special panels and subcommittees but these also are implied to be uncompensated.	No
Cuomo	10/31/85	77	Martin Luther King, Jr Commission*	To advise, recommend, and consult with federal, local and private efforts directed towards celebrating Dr. King's birthday each year.	N/A
Cuomo	5/13/87	98	State Council on Graduate Medical Education	Advise and assist the Governor and State agencies in the formulation and implementation of State policies regarding graduate medical education in the State, including implementation of the recommendations of the Commission on Graduate Medical Education.	No
Cuomo	12/30/93	179	Advisory Committee to the New York State Commission on National and Community Service	Provide assistance to the Commission	No
Pataki	7/1/98	83	Jackie Robinson Empire State Freedom Medal Commission	The Commission shall solicit and accept nominations from all sources across the State and periodically convene in order to review such nominations. Annually, after evaluating all nominees based on the criteria set forth below, the Commission shall submit a list of medal nominees to the Governor and an account of their backgrounds, character and accomplishments.	No

## TABLE

STATE GOVERNMENT ENTITIES CREATED BY EXECUTIVE ORDER *CONTINUED*

## Advisory Councils, Boards, or Task Forces.

GOVERNOR	DATE	NO.	ENTITY	PURPOSE	STAFF
Spitzer	2/18/07	8	the MWBE Executive Leadership Council and the MWBE Corporate Roundtable		
Spitzer	5/18/07	13	New York State Council on Food Policy		
Spitzer	6/12/07	16	Governor's Children Cabinet		
Spitzer	12/4/07	20	The Governor's Smart Growth Cabinet		
Paterson	4/9/08	2	State Energy Planning Board		
Paterson	4/24/08	4	Sustainability and Green Procurement Advisory Council		
Paterson	6/4/08	6	Governor's Task Force on Personal Services Contracting		
Paterson	11/2/08	12	New York State Council on Returning Veterans and their Families		
Paterson	6/5/09	22	Broadband Development and Deployment Council		
Paterson	8/6/09	24	Climate Action Council		

\* This was created by statute which directed the Governor to define its duties and responsibilities by Executive Order. Not sure if it should be included on this list.

**TABLE**  
**EXECUTIVE ORDERS IN FORCE BY**  
**ORIGINATING GOVERNOR**  
**JULY 2010**

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# TABLE

## EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR

### JULY 2010

Nelson Rockefeller\*\*

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
10/14/70	42	Relating to procedures for submission and settlement of certain grievances of state employees	Sets out the right of every employee in the executive branch to argue his/her grievances; transfers the Grievance Appeals Board, which was established by a previous executive order, to the Office of Employee Relations and designates it the arena where such grievance appeals shall be heard.	Ongoing	8, 10, 11

\* See Table 1 for the code categories. These were developed by Margaret R. Ferguson and Cynthia J. Bowling in 2008.

\*\* The text at the end of page 83 refers to this table.

Mario Cuomo

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
1/11/83	2	Establishing the Position of State Director of Criminal Justice	Creates a State Director of Criminal Justice and lays out that person's duties and responsibilities. No new staff.	Ongoing	4
2/22/83	5	Establishing the Women's Division in the Executive Chamber*	Creates Women's Division to advise the Governor on issues relating to women, delineates the Director as a cabinet member, sets up responsibilities of women's division. Creates an interagency task force on the issue, directs every agency to in turn create own task force and report their efforts in this area.	Ongoing	6, 8, 11
2/18/83	6	Assigning responsibilities of the State Department of Civil Service, and certain State agencies for insuring equal employment opportunity for minorities, women, disabled persons and Vietnam era veterans in State government and establishing the Governor's executive committee for affirmative action*	Lays out responsibility of President of the Civil Service Commission in regards to affirmative action; creates the Governor's Executive Committee for Affirmative Action; Creates the Affirmative Action Advisory Council	Ongoing	5, 6, 8, other
2/18/83	7	Establishing a Governor's Advisory Committee for Hispanic Affairs	Creates an advisory Council to Governor, delineates its membership powers, and responsibilities	Ongoing	6
2/25/83	8	Directing State agencies to consider labor relations practices when awarding State contracts	Orders State agencies who award contracts to consider labor practices of any firm bidding	Ongoing	8, 11
4/26/83	11	Expanding the membership and powers of the Securities Coordinating Committee*	Expanding the duties and membership of the NYS Securities Coordinating Committee, itself the creation of an executive order by Carey in 1977	Ongoing	8, 5
5/3/83	12	Directing the State Office for the Aging to review and comment upon policies affecting the elderly	Directs each division within the Executive Department and all other departments of the State to submit to the Office for the Aging for review all proposed legislation, regulations, orders, and plans which may significantly affect the lives or well-being of the elderly of the State.	Ongoing	8, 11

# TABLE

## EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR

### JULY 2010

#### Mario Cuomo

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
5/31/82	17	Establishing State Policy on Private Institutions which Discriminate	Restricts State officials and employees from sponsoring, organizing, attending or participating in any activity on State business with a private establishment that discriminates	Ongoing	11
5/31/83	19	New York State Policy Statement on Sexual Harassment in the Workplace	Instructs the head of each department, agency, board, commission, or other entity under the jurisdiction of the Executive Branch to issue policy statements, conduct training, and develop guidelines for investigating allegations of sexual harassment, among other steps. It also defines what constitutes sexual harassment.	Ongoing	11
9/1/83	23	Establishing the Office of NYS Ombudsman	Designates the Secretary of State as the NYS Ombudsman and directs the Secretary of State to establish the Office of the NYS Ombudsman in the Department of State as well as lays out that offices functions. Does have paid staff.	Ongoing	4,6
10/7/83	26	Directing the State Office of Advocate for the Disabled to review comment upon policies affecting person with disabilities.	Directs each division within the Executive Department and all other departments of the State to submit to the Office of Advocate for the Disabled for review all proposed legislation, regulations, orders, and plans which may significantly affect the lives or well-being of persons with disabilities in the state.	Ongoing	11
1/13/84	32	Establishing the New York State Human Rights Advisory Council	Creates the Human Rights Advisory Council to encourage and promote the development and execution of programs designed to enhance human rights for individuals in NYS. It will also work to assist and analyze the State Division of Human Rights programs.	Ongoing	6
8/28/84	46	Naming the State Office Building Campus in Albany the Governor Averell Harriman State Office Building Campus	In the name	Ongoing	3
12/20/84	56	Establishing the New York State Task Force on Life and the Law	Sets out the membership, procedure, and powers and responsibilities of this new task force whose job is to look into the ethical questions associated with medical breakthroughs	Ongoing	6
6/5/85	66	Establishing a Governor's Advisory Committee for Black Affairs	Creates a Committee, lays out the membership and procedure for nominating members, as well as the purposes and responsibilities of a Black Affairs Committee who advises the Governor on issues of particular concern for the Black community	Ongoing	6
10/31/85	77	Establishing membership of the Martin Luther King, Jr Commission	Establishes a procedure for nominating members to the Commission which was established by Statue as well as further defining the duties and responsibilities of the Commission	Ongoing	6
3/21/83	80	Juvenile Justice Planning	Designates the Division of Criminal Justice Services as the sole state agency to supervise the preparation, administration and implementation of the state's juvenile justice plan, as well as the federal regulations and funds with it.	Ongoing	11

# TABLE

## EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR

### JULY 2010

#### Mario Cuomo

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
5/2/86	82	Establishing the Governor's Office for Hispanic Affairs	Establishes the Governor's Office for Hispanic Affairs as part of the Executive Chamber, as well as an Executive Director for that office. Sets out the purposes and responsibilities of that office.	Ongoing	4
4/15/87	95	Designating the Disaster Preparedness Commission as the State Emergency Response Commission	Designates the Disaster Preparedness Commission as the State Emergency Response Commission as the entity responsible for carrying out title III of the Federal Superfund Amendments and Reauthorization Act of 1986.	Ongoing	1, 11
4/27/87	96	Promoting a New York State policy against age discrimination in the workplace	Directs the head of each department, agency, board, commission, or other entity under the jurisdiction of the Executive Branch to issue a policy statement defining and prohibiting age discrimination, including it in training programs, informing employees of rights and redresses regarding age discrimination and annually reviewing all complaints	Ongoing	11
4/27/87	97	Designating the Governor's Traffic Safety Committee as the State Agency to coordinate and approve State highway safety programs	Reestablishes an interdepartmental committee regarding Traffic Safety, designates its members, and puts the Committee in charge of carrying out article 16-A of the Executive Law	Ongoing	5
5/13/87	98	Establishing a new State Council on Graduate Medical Education	Establishes a Council to provide policy guidance to State policymakers regarding physician training programs in NYS, sets out its membership, powers and responsibilities.	Ongoing	6
8/31/87	100	Naming the Watertown State Office Building the Dulles State Office Building	In the name	Ongoing	3
8/11/88	111	Directing the Attorney General to Inquire into Matters of Bias-Related Crimes	Requires the Attorney General to inquire into any crimes that may have been committed in violation of State laws regarding bias related crimes	Ongoing	11
12/9/88	114	Naming the Poughkeepsie State Office Building the Eleanor Roosevelt State Office Building	in the name	Ongoing	3
5/22/89	125	Establishing a Council of Contracting Agencies	Creates within the Executive Department a Council of Contracting Agencies which shall establish procedures for the systematic collection and timely exchange of information relevant to the responsibility and reliability of bidders, contractors and subcontractors; this includes a uniform questionnaire. The order also designates the membership of this council and orders it to make an annual report of its activities. Next, it also creates responsibilities for other agencies in the retention of information regarding the contractors they work with.	Ongoing	5
12/4/89	130	Creating a Crime Proceeds Strike Force to Investigate and Prosecute Certain Economic Activities Constituting Penal, Tax, and Banking Law, Violations Relating to Money Laundering	Creates a Strike Force on Crime Proceeds, sets out its membership, its duties and responsibilities and authorizes the Attorney General or his/her designated Deputy or Assistant to go after anyone indictable for money laundry or by this Strike Force.	Ongoing	6



# TABLE

## EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR

### JULY 2010

#### Mario Cuomo

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
12/26/89	131	N/A	Sets out the standards and procedures for administrative adjudication when undertaken by any agency, department, etc. Also requires each agency, department, etc. responsible for administrative adjudication to publish a plan and hold public meetings on such.	Ongoing	11
2/27/90	135	Prescribing Procedures to Allocate the State Low Income Housing Credit Under the Tax Reform Act of 1986 as amended	Sets out the procedures for the allocation of money from the Federal Government for the Low Incomng Housing Tax Credit per the Tax Reform Act of 1986.	Ongoing	1, 8, 11
7/31/91	147	Establishing an Office of Indian Relations	Establishes an Office of Indian Relations, creates a Director to head that office, and lays out the duties and responsibilities of the Office and Director.	Ongoing	4
10/9/91	150	New land use and development by State agencies within the Adirondack park	Establishes procedures that new land use and development by State agencies within the Adirondack Park undergo the same level of Adirondack park Agency review as is demanded of private developers.	Ongoing	11
6/23/92	158	Naming the New Scotland Avenue Laboratory Building the David Axelrod Institute for Public Health	Description in name	Ongoing	3
3/22/93	169	Directing State Agencies to Act consistently with the Upper Delaware River Management Plan	Designates the Department of Environmental Conservation as the State agency to coordinate the implementation by State agencies of the River Management Plan and to also receive and administer any federal grants given to the state for that purpose	Ongoing	1
3/24/93	170	Establishing Uniform Guidelines for Determining the Responsibility of Bidders	Creates Guidelines for State agencies to determine the Responsibility of potential contractors for State projects	Ongoing	11
6/23/93	171.1	Establishing uniform Guidelines for Determining the Responsibility of Bidders	Reestablishes the principles	Ongoing	11
12/30/93	179	Establishing the New York State Commission on National and Community Service	Establishes a Commission on National and Community Service to help NYS comply and enact the federal government's National and Community Service Trust Act of 1993, among other things. The order lays out how many members the commission will have, how they will be selected, as well as their duties and responsibilities and their coordination with other State agencies and other programs.	Ongoing	5

\* See Table 1 for the code categories. These were developed by Margaret R. Ferguson and Cynthia J. Bowling in 2008.

TABLE  
EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR  
JULY 2010

George Pataki

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
11/30/95	20	Establishing the Position of State Director of Regulatory Reform	Creates the Director position of Regulatory Reform, defines the responsibilities of that position, the Criteria the person shall follow when evaluating proposed regulations, and the procedures they shall follow. Will decide on staff and budget with Director of Budget.	Ongoing	4, 8
9/28/06	26.1	Incorporating the National Incident Management System as the Management System for Energy Responsibility	Establishes the National Incident Management System that was created by Presidential Directive-5 as the State Standard.	Ongoing	1
7/26/96	40	Ordering State Agencies to Register Emission Reduction Credits	Directs all state agencies, etc. to assign staff to find any Emission Reduction Credits as defined by the Clean Air Act (Federal) and transfer any to the Department of Economic Development	Ongoing	11
11/13/96	45	Establishing the Position of State Director of Consumer Protection	Establishes the Position, defines the power and responsibilities of the position, which includes delegating parts of the Executive Law to them	Ongoing	4
2/27/97	49	Establishing Procedures to Consider, in its Proprietary Capacity, the Utilization of One or More Project Labor Agreements	Orders State Agencies to establish procedures to consider project labor agreements that meet the standards of a recent COA decision in Matter of New York State Chapter Inc., Associated General Contractors of America, Et. Al. V. NYS Thruway Authority (1996)	Ongoing	11
10/1/96	50	Establishing a Governmental Commission to Investigate the Recovery of Holocaust Victims' Assets	Creates a Commission to coordinate the investigation into assets deposited with Swiss financial institutions by victims of the Holocaust, also sets out members.	Ongoing	5
5/20/97	51	Activities of State Agencies within the NYC Watershed	Orders State Agencies, Commissions, etc. comply with the same Watershed Regulations put forth in the Memorandum of Agreement that Private Persons must but State entities were until then exempt from	Ongoing	11
10/23/97	57	Establishing the NYC Watershed Protection and Partnership Council	Establishes a Watershed Executive Committee and a number of Subcommittees, sets out how members will be established, and designates their responsibilities to be "in accordance with the terms and conditions of Article IV of the Watershed Agreement and any amendments thereto"	Ongoing	5
7/1/98	83	Establishing the Jackie Robinson Empire State Freedom Medal and the Jackie Robinson Empire State Freedom Medal Commission	Establishes Commission and sets out responsibilities who will evaluate any nominations for the Jackie Robinson Empire State Freedom Medal based upon the Criteria set forth in the order.	Ongoing	6
8/19/98	86	Establishing the NYC Watershed Inspector General	Establishes the new position as an Assistant Attorney General to be appointed by Governor and AG, designates the persons power and responsibilities, and cooperation with state agencies	Ongoing	4

# TABLE

## EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR

### JULY 2010

#### George Pataki

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
5/19/01	109	Establishing a Special Prosecutor to Investigate and Prosecute Criminal Acts Relating to Fraudulent Motor Vehicle Insurance Claims	Appoints AG as Special Prosecutor to coordinate investigations and prosecutions in regard to fraudulent motor vehicle insurance claims, giving the AG the powers and duties pursuant to subdivision eight of section 63 of the Executive Law. The superintendent of the Division of State Police and the Superintendent of the Dept. of Insurance are directed to authorize the AG to conduct an investigation into these matters. Finally, directs the Division of Criminal Justice Services in consultation with the three people above to prepare an annual report for the Governor.	Ongoing	7, 11
6/10/01	111	Directing State Agencies To Be More Energy Efficient And Environmentally Aware "Green And Clean State Buildings And Vehicles	Orders all agencies and departments which the Governor has authority over, as well as all public benefit corporations and public authorities which the Governor appoints, to reduce by 35% their energy consumption in all buildings they own by 2010 from their 1990 numbers. Also designates how they shall procure Energy-Efficient products as well as cars.	Ongoing	8, 11
1/22/02	116	Reconstituting the State Drought Management Task Force	Designates the different stages of a drought and the responsibilities of the different Departments and agencies responsible for droughts as well as designating the membership and responsibilities of the task force	Ongoing	6, 11
1/28/02	117	Establishing The Position Of Chief Information Officer (CIO) Of The State Of New York	Establishes the Position of Chief Information Officer and lays out his duties, responsibilities, and powers.	Ongoing	4
3/24/02	125	Directing State Officials to Ensure That the Appropriate Protections and Benefits are Extended to Members of the Reserve Armed Forces of the United States and the Organized Militia of New York State	Orders State Officials and certain agencies to take specific actions in regards to the rights of military reserves and the State's organized militia as well as their families.	Ongoing	11
6/16/03	128	Designation of Lower Manhattan Development Corporation to Carry Out Environmental Impact Review and to Fulfill Requirements For Receipt of Federal Assistance in Connection With the Redevelopment of Lower Manhattan Following the Terrorist Attacks of September 11, 2001	Designates the LMDC as the arm of the State responsible for conducting all required environmental reviews of Lower Manhattan redevelopment plans for which the State is receiving aid from the HUD. Also creates the position of the Special Assistant for Lower Manhattan Development and designates the President of the LMDC to serve in that capacity; also lays out responsibilities and powers of that person pursuant to Federal and State Statues.	Ongoing	1, 4, 11
11/22/04	133	Establishing the Lower Manhattan Construction Command Center	Creates the Lower Manhattan Construction Command Center to coordinate between all construction located in Lower Manhattan, details management positions and organization, and sets out duties, responsibilities, powers, and some procedures.	11/22/04	4

TABLE  
EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR  
JULY 2010

George Pataki

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
11/21/05	142	Directing State Agencies and Authorities to Diversify Transportation Fuel and Heating Oil Supplies Through the Use of Bio-Fuels in State Vehicles and Buildings	Orders all State agency vehicles who utilize central fueling stations to operate on 85% Ethanol and 15% petroleum fuel if it is feasible for the vehicle to do so. Orders the Governor's Clean Vehicle Council to prepare a report detailing how agencies shall purchase, allocate, distribute and utilize bio-diesel fuel and provides a table that determines the total amount of consumption through 2012. Expands on Executive Order No. 111, from June 10, 2001. Orders the New York State Energy and Research Development Authority to develop a plan to direct state agencies and public authorities on how to purchase, allocate, distribute and utilize bio-diesel heating oil for use in buildings in compliance with a table put forth in the order. Allows state agencies or public authorities to unilaterally waive parts of the order if found that meeting them would have unacceptable impacts on the vehicles for up to 60 days; or for more than 60 days if agreed to by the President of the NYSEDA.	Ongoing	11
2/21/06	144	Establishing the New York State Abraham Lincoln Bicentennial Commission	Creates Commission, sets out membership, powers, and responsibilities.	12/31/08	6a.

\* See Table 1 for the code categories. These were developed by Margaret R. Ferguson and Cynthia J. Bowling in 2008.

TABLE  
EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR  
JULY 2010

Eliot Spitzer

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
1/1/07	3	Promotion of Public Access to Government Decision-making	Orders all entities which the Governor has authority over (loosely interpreted) to submit a report to the Secretary to the Governor by 3/1/2007 that identities all meetings that are subject to the Open Meetings Law and specify a timetable for ensuring that those meetings are broadcasted over the internet. Orders that all meetings shall be broadcasted no later than 6/1/2007 and that by 12/31/2007, each entity will submit a report to Secretary of Governor with the number of meetings broadcasted, summary of comments received on broadcasts, and recommendations for changes or improvements to the program.	Ongoing	11
3/5/07	9	Ordering the Commissioner of the Department of Correctional Services to Bar Certain Offenders from Participating in Temporary Release Programs	Orders the Commissioner of the Department of Correctional Services to modify any temporary release program to bar individuals convicted of a list of certain crimes from participating.	One time	11
3/5/07	10	Establishing the New York State Commission on Sentencing Reform	Creates Commission, lays out membership, orders it to conduct a comprehensive review of NY's current sentencing policies and related material and issue a initial report by 9/1/2007 and a final report by 3/1/2008.	3/1/08	5a.
4/23/07	11	Establishing the New York State Commission on Local Government Efficiency and Competitiveness	Creates Commission, membership and procedure and criteria for appointing membership, orders Commission to conduct a review and analysis of NY's local government structure and operates based on criteria listed in the order. Orders a final report from the Commission by 4/15/2008.	4/15/08	5a.
5/8/07	12	Representation of Child Care Providers	Characterizes Child Care Providers into four separate groups and sets forth procedures for Child Care Providers to designate a representative who shall meet with the State Employment Relations Board, either separately or with other care providers, to enter into a written contract with the state that addresses a number of issues affecting Child Care Providers. Any agreement shall be binding on NYS contingent upon the successful completion of necessary regulatory or legislative action.	Ongoing	11
5/18/07	13	Establishing the New York State Council on Food Policy	Creates a NYS Council on Food Policy, establishes number of memberships and how they will be selected, as well as the council's purpose, duties and responsibilities which include an annual report	Ongoing	6
5/29/07	15	Establishing the New York State Commission to Modernize the Regulation of Financial Services	Creates Commission, sets out membership and criteria for such, certain procedures, its duties and responsibilities, and requires it to issue a final report by 6/30/2008.	6/30/08	5a.

# TABLE

## EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR

### JULY 2010

Eliot Spitzer

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
6/12/07	16	Establishing the Governor's Children's Cabinet	Creates Cabinet, membership, criteria for membership, and procedure for selecting it. Explains duties and responsibilities of the Commission. States that external advisory groups will be created by the Governor to assist the Cabinet.	Ongoing	11
9/5/07	17	Establishing the Joint Enforcement Task Force on Employee Misclassification	Creates Task Force, sets membership, states purpose, and lays out powers and duties of task force, orders task force to issue annual reports to Governor.	Ongoing	5
11/22/07	19	Requiring the Adoption of Domestic Violence and the Workplace Policies	Orders the Office for the Prevention of Domestic Violence (OPDV) to review and revise the Model Domestic Violence and the Workplace Policy from July 2000 and distribute the new guidelines to each state entity which the Governor has authority or appointment power over by 2/1/2008. Each State entity is then required to issue a Domestic Violence and the Workplace policy for its office by 9/1/2008. The OPDV will then oversee its implementation, and prepare a report for the Governor by 10/1/2009 regarding the implementation of the order.	Ongoing	11
12/4/07	20	Establishing the Governor's Smart Growth Cabinet	Creates Smart Growth Cabinet, lists the officials who will serve on the board, its procedures, purpose, areas of focus, duties, and responsibilities.	Ongoing	6
1/11/08	21	Providing for Investigation Into the Deaths of Arlene Tankleff and Seymour Tankleff and Prosecution of Offenses in Connection Therewith	Requests by the authority of article IV section three of the Constitution as well as subdivisions two and three of section 63 of the Executive law that the attorney general investigate the alleged commission of any indictable offenses in violation of the law relating to the death of Arlene or Seymour Tankleff and requires the AG or designated deputies to attend a term or terms of the SC in the County of Suffolk to manage the criminal actions in the former cases. AG or his representatives supersede the DA of the County of Suffolk in this matter.	One time	11
1/23/08	22	Appointing the New York State Commission on Property Tax Relief	Establishes the commission; its membership (directly names seven individuals); its duties and responsibilities; as well as what it shall look into; its procedures and staff powers; its powers when conducting its business; as well as directing it to issue at least one interim report by 5/15/2008 and a final report by 12/1/2008.	12/1/08	6a.

\* See Table 1 for the code categories. These were developed by Margaret R. Ferguson and Cynthia J. Bowling in 2008.

# TABLE

## EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR

### JULY 2010

#### David Paterson

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
3/20/08	1	Continuation and Review of Prior Executive Orders	Orders the Counsel to the Governor, in conjunction with a few other officials to conduct a 90 day review of previous executive orders, after which the Review Committee will recommend the continuation, modification, and revocation of executive orders. During review, all executive orders continue.	Jun-08	11
4/9/08	2	Establishing a State Energy Planning Board and Authorizing the Creation and Implementation of a State Energy Plan	Creates the board, lists its members who are state officials, sets up procedures, purposes, duties, responsibilities (including an initial plan followed by one at least every three years).	Ongoing	6
4/9/08	3	Appointing a Commissioner to Study, Examine, Investigate and Review the Management and Affairs of the Waterfront Commission of New York Harbor	Appoints Dennis E. Martin as Commissioner, replacing current Commissioner, lays out powers (including delegating authority under section 6 of Executive Law), as well as duties and responsibilities.	One time	4
4/24/08	4	Establishing a State Green Procurement and Agency Sustainability Program	Establishes the Committee, its membership (all officials), procedures, duties and responsibilities (including an annual plan which agencies are to used for procurement). Also directs each state agency and authority to develop and implement a Sustainability and Environmental Stewardship Program that complies with criteria listed in the order. Also establishes a Council of 11 members appointed by the governor.	Ongoing	5, 6, 8, 11.
5/28/08	5	Appointing a Commissioner to Study, Examine, Investigate and Review the Management and Affairs of the Waterfront Commission of New York Harbor	Appoints Joseph Fisch as Commissioner, replacing current Commissioner, lays out powers (including delegating authority under section 6 of Executive Law), as well as duties and responsibilities.	One time	4
6/4/08	6	Ensuring the Cost-effectiveness of Contracts for Personal Services	Describes Criteria that agencies must meet when engaging with private parties in Qualified Personal Services Contract (QSPC). Establishes a task force and its membership who are government officials, and its duties, powers and responsibilities which include annual reports.	Ongoing	6, 11.
6/18/08	7	Prohibition Against Personal Use of State Property and Campaign Contributions to the Governor	Prohibits the use of state resources for non-governmental and personal purposes and lists some of the specific restrictions. Prohibits any State agency officer or employee who serves at the pleasure of the governor from donating to the Governor's campaign or any PAC organized specifically for the Governor's campaign.	Ongoing	11

TABLE  
EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR  
JULY 2010

David Paterson

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
6/18/08	8	No 8: Establishing Judicial Screening Committees to Ensure that Judicial Officer Appointments are of the Highest Quality	Each Committee Shall have a Paid Staffl. Continues each Judicial Screening Committee. 2. Establishes a State Judicial Screening Committee, how its members will be selected, its procedures, powers including regulating lower Judicial Screening Committees, duties and responsibilities, and requires the Governor to only appoint people recommended by this Committee for certain Judicial appointments. 3. Establishes a Departmental Judicial Screening Committee in each judicial department of the state, lays out its organization, membership and how each will be chosen. Also describes each Committees powers, responsibilities, duties and jurisdiction; also requires the Governor to nominate only individuals recommended by a committee for certain positions. 4. Establishes a County Judicial Screening Committee in each county of the state and goes through the steps of each of the previous types of Committees in this order.	Ongoing	5, 9
6/18/08	9	No 9: Review, Continuation and Expiration of Prior Executive Orders	Repeals all previous executive orders in their entirety with the exceptions of those set forth in the order. Orders a continued review of previous executive orders.	One time	8, 9
6/26/08	10	Establishing a Task Force to Increase the Utilization of Minority and Women-Owned Business Enterprise Underwriters for State Debt Offerings	Establishes Task force to increase participation by M/WBE investment banking firms in the issuance of state debt sold on negotiated basis, establishes which officials shall serve on task force, procedures of task force, as well as its duties and purposes which include releasing reports periodically on different subjects. State-supported debt issuers' boards will then have to amend their practices in order to be consistent with Task Force Guidelines no later than 10/15/2008.	1/31/10	5a.
10/2/08	11	Establishing a Commission to Undertake a State Asset Analysis and Recommend Standards and Legislation to Maximize the Value and Use of Such Assets	Commission shall have staff. Establishes a Commission and how it will be appointed. Describes the Commission's procedures, duties, purpose, responsibilities.	Apr-09	6a.
11/2/08	12	Establishing the New York State Council on Returning Veterans and Their Families	Establishes the Council, its organization and appointment method, procedures, as well as its duties and responsibilities. Also allows Chair of Committee to establish an advisory body of outside stakeholders.	9/30/09	6a.
12/12/08	13	Declaring a Disaster in the Counties of Albany, Columbia, Chenango, Delaware, Dutchess, Greene, Orange, Otsego, Putnam, Rensselaer, Saratoga, Schenectady, Schoharie, Sullivan, Ulster and Washington, and in Contiguous Areas	Declares a disaster, orders state agencies to implement the State Disaster Preparedness Plan, and appoints Official as the State Coordinating Officer of the operation.	N/A	2



TABLE  
EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR  
JULY 2010

David Paterson

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
2/13/09	14	Declaring an Emergency in the County of Erie and Extending the Period for Paying Real Property Taxes for the Town of Clarence	Declares a disaster, orders state agencies to implement the State Disaster Preparedness Plan, and extends time for residents of the Town of Clarence to pay their property taxes without incurring penalties.	N/A	2
2/12/09	15	Establishing a Task Force on Public Employee Retirement Health Care Benefits	Establishes Task Force, appoints 15 specific individuals, procedures, purposes and duties, directs staff to come from agencies that serve on task force.	6/1/09	6a.
4/15/09	16	Establishing the Statewide Council of Addictions Collaborative to Improve Outcomes for New Yorkers (Action)	Establishes Councils, lists who will be its members, its duties and responsibilities, and areas of focus.	10/31/11	6a.
4/27/09	17	Establishing Measures to Evaluate Costs of Mandates on Local Government to Advance Property Tax Relief	Requires every State entity that Governor has some control over(loosely defined) to meet certain requirements and criteria before recommending, proposing, publishing, or submitting any legislation or regulation that would mandate a local government to undertake certain activities, or mandate certain changes in property taxes, or any legal requirement that would likely have the effect of raising property taxes. Also requires each state entity affected to review its regulations and report to certain select individuals proposed changes to regulations that could reduce the impact of existing mandates on local governments in an effort to generate property tax relief for NYS property taxpayers.	Ongoing	11
5/5/09	18	Restricting the Use of Bottled Water at State Facilities and Promoting Executive Agency Sustainability	Calls for all the State entities for which the Governor has Executive Power over to begin developing and implementing a plan to eliminate state expenditures for the purchase of bottled water for use at executive agency facilities with the goal of eliminating such expenditure by 5/1/2010. Implementation of this order will be overseen by the Director of State Operations and the Commissioner of General Services.	5/1/2010, or until full compliance.	11
5/13/09	19	Establishing a Task Force on Diversifying the New York State Economy through Industry-Higher Education Partnerships	Establishes a task force, its organization, the appointment method, procedures, duties and responsibilities, area of focus powers.	12/15/09	6a.
5/29/09	20	Naming the State Justice Building the Robert Abrams Building for Law and Justice	In the Title	One time	3
6/2/09	21	Establishing the Governor's Task Force on the Prevention of Childhood Lead Poisoning	Establishes task force; lists its members, organization and procedure; duties and responsibilities; purposes; area of focus	11/30/09	6a.
6/5/09	22*	Establishing a Broadband Development and Deployment Council	Creates Council, how its membership will be determined, procedures, powers, duties, responsibilities and purpose.	Ongoing	6

TABLE  
EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR  
JULY 2010

David Paterson

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
6/27/10	22.1*	Establishing a Broadband Development and Deployment Council	Creates Council, how its membership will be determined, procedures, powers, duties, responsibilities and purpose.	Ongoing	6
6/24/09	23	Establishing a Task Force on Police-On-Police Shootings	Establishes task force; the selection process for members; procedures; duties and responsibilities; purpose; areas of focus; state entities that will provide it with necessary staff.	Six months after review begins	6a.
8/6/09	24	Establishing a Goal to Reduce Greenhouse Gas Emissions Eighty Percent by the Year 2050 and Preparing a Climate Action Plan	Establishes the goal of the State of NY to reduce greenhouse gas emissions from all sources within the states by 80% from 1990 numbers by the year 2050. Creates a Climate Action Council, lists its membership, its duties and responsibilities, organization, etc.	Ongoing	6, 11
8/6/09	25	Establishing a Regulatory Review and Reform Program	Creates a Regulatory Review and Reform Program to evaluate, reform, or repeal, where necessary, regulatory rules. Orders the Review Committee, in consultation with the head of the participating agencies, to review the current rules in a certain manner and upon completing this review orders the agencies to report on suggested changes or reasons for declining changes. Review Committee can follow up by agreeing with agency, order for more analysis, or direct the agency to make changes.	Ongoing	11
8/10/09	26	Declaring a Disaster in the Counties of Cattaraugus, Chautauqua and Erie and Contiguous Areas	Declares a Disaster and order the implementation of the State Disaster Preparedness Plan, authorizing state entities to assist local governments. This effort will be coordinated by John R. Gibb who is Director of SEMO. Further, order provides relief from parts 390-399 of the Federal Motor Carrier Safety Regulations.	N/A	2
9/1/09	27	Authorizing New York City Off-track Betting Corporation to File Petition Under Provisions of the Laws of The United States for Composition or Adjustment of Municipal Indebtedness	Authorizes NYC Off-Track Betting Corporation as reconstituted and continued in existence pursuant to Section 27 of Chapter 115 of the Laws of 2008 to file a petition with any U.S. court for the composition or adjustment of municipal indebtedness.	One time	Other
10/21/09	28	Declaring a Disaster in the County Of Essex And Contiguous Areas	Pursuant to Section 28 of Article 2-B of the Executive Law declares a State Disaster Emergency, directs all state agencies and authorities which Governor has Executive authority over to help with the repair, restoration or replacement of a road near Champlain Bridge; directs state agencies to protect state property and assist local governments in protecting public health and safety; suspends any statues, laws, ordinances, orders, rules or regulations if compliance would prevent, hinder or delay action necessary to cope with disaster; temporarily suspends a list of specific statues indefinitely; directs State agencies and authorities to undertake projects to provide for alternative means of crossing Lake Champlain; designates John R. Gibb as the State Coordinating Officer in these efforts.	N/A	2

TABLE  
EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR  
JULY 2010

David Paterson

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
11/15/09	<b>28.1</b>	Continuing The Declaration Of A Disaster In The County Of Essex And Contiguous Areas And Suspending Certain Provisions Of Law	Continues the provisions in the previous order, including the suspension of laws, for an additional thirty days.	12/15/09	<b>9,2</b>
12/15/09	<b>28.2</b>	Continuing the Declaration of A Disaster in The County of Essex and Contiguous Areas and Suspending Certain Provisions of Law	Extends many of the provisions of the initial executive orders for another thirty days	1/15/10	<b>9, 2</b>
1/15/10	<b>28.3</b>	Continuing the Declaration of a Disaster in The County of Essex and Contiguous Areas and Suspending Certain Provisions of Law	Extends many of the provisions of the initial executive orders for another thirty days	2/15/10	<b>9, 2</b>
2/12/10	<b>28.4</b>	Continuing the Declaration of a Disaster in The County of Essex and Contiguous Areas and Suspending Certain Provisions of Law	Extends many of the provisions of the initial executive orders for another thirty days	3/12/10	<b>9, 2</b>
3/12/10	<b>28.5</b>	Continuing the Declaration of a Disaster in The County of Essex and Contiguous Areas and Suspending Certain Provisions of Law	Extends many of the provisions of the initial executive orders for another thirty days	4/12/10	<b>9,2</b>
4/12/10	<b>28.6</b>	Continuing the Declaration of a Disaster in The County of Essex and Contiguous Areas and Suspending Certain Provisions of Law	Extends many of the provisions of the initial executive orders for another thirty days	5/12/10	<b>9, 2</b>
5/10/10	<b>28.7</b>	Continuing the Declaration of a Disaster in The County of Essex and Contiguous Areas and Suspending Certain Provisions of Law	Extends many of the provisions of the initial executive orders for another thirty days	6/10/10	<b>9, 2</b>
10/28/09	<b>29</b>	Declaring a Disaster Emergency in the State Of New York	Declares a Disaster throughout NYS pursuant to Section 28 of Article 2-B of the Executive Law in regards to the H1N1 influenza. Directs the implementation of the State Disaster Preparedness Plan and authorizes all necessary state agencies to assist local governments and individuals in responding to H1N1, protecting state and local property, and providing other assistance as is necessary to protect public health and safety. Also, temporarily suspend or modify, as the case may be, a number of provisions of statutes, rules or regulations for 30 days for the purpose of supplying the vaccine throughout the state.	11/28/10	<b>2</b>
Not dated, presumably 11/25 or 11/28/2009	<b>29.1</b>	Continuing the Temporary Suspension and Modification of Statutory and Regulatory Provisions Regarding the Administration of Vaccinations Against 2009 H1N1 Influenza and Seasonal Influenza	Continues the temporary suspension of provisions of certain statues, rules and regulations from the previous order until 12/25/2009.	12/25/2009	<b>2,9</b>

TABLE  
EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR  
JULY 2010

David Paterson

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
12/24/09	<b>29.2</b>	Further Continuing the Temporary Suspension and Modification of Statutory and Regulatory Provisions Regarding the Administration of Vaccinations Against 2009 H1N1 Influenza and Seasonal Influenza	Continues the temporary suspension of provisions of certain statutes, rules and regulations from the previous order until 1/23/2010.	1/23/10	<b>2, 9</b>
1/22/10	<b>29.3</b>	Further Continuing the Temporary Suspension and Modification of Statutory and Regulatory Provisions Regarding the Administration of Vaccinations Against 2009 H1N1 Influenza and Seasonal Influenza	Continues the temporary suspension of provisions of certain statutes, rules and regulations from the previous order until 2/21/2010.	2/21/10	<b>2, 9</b>
2/18/10	<b>29.4</b>	Further Continuing the Temporary Suspension and Modification of Statutory and Regulatory Provisions Regarding the Administration of Vaccinations Against 2009 H1N1 Influenza and Seasonal Influenza	Continues the temporary suspension of provisions of certain statutes, rules and regulations from the previous order until 3/20/2010.	3/20/10	<b>2, 9</b>
3/18/10	<b>29.5</b>	Further Continuing the Temporary Suspension and Modification of Statutory and Regulatory Provisions Regarding	Continues the temporary suspension of provisions of certain statutes, rules and regulations from the previous order until 4/17/2010.	4/17/10	<b>2, 9</b>
11/12/09	<b>30</b>	Enhancing Participation of New Yorkers in The 2010 Census	Establishes the New York 2010 Census Complete Count Committee, as well as the New York Census Action Council to assist it, and lists both entities' membership, organization, and procedures. Orders the Committee through the Council to develop, recommend, and implement a census outreach strategy in consultation with certain other entities and organizations, as well as some of the criteria the strategy must address.	As long as necessary for fulfilling its duties	<b>6a.</b>
Not listed	<b>31</b>	Setting Forth the Responsibilities, Duties and Powers of the Stimulus Oversight Panel	Establishes Panel, lists its members, purpose, organization, functions, duties, and powers.	Indefinitely	<b>5</b>
Not listed	<b>32</b>	Establishing the Governor's Task Force on the Implementation of the 2009 Public Authorities Reform Act	Establishes Task force and method for how members will be selected, duties, powers, responsibilities.	8/15/10	<b>5a.</b>
12/16/09	<b>33</b>	Prohibiting Discrimination in State Employment on The Basis of Gender Identity	Defines Gender Identity and prohibits any state agency from discriminating on the basis of gender identity on any matter pertaining to employment. Also directs the Office of Employee Relations, in consultation with the Executive Director of the Division of Human Rights to distribute guidelines prohibiting discrimination based on gender identity. Furthermore, it directs The Office of Employee Relations to implement a procedure, that conforms to a few listed guidelines in the order, for investigation any allegation of discrimination based on gender identity.	Ongoing	<b>11</b>

TABLE  
EXECUTIVE ORDERS IN FORCE BY ORIGINATING GOVERNOR  
JULY 2010

David Paterson

DATE	NO.	TITLE	PURPOSE	CLOSURE DATE	CODE*
2/10/10	<b>34</b>	Declaring An Emergency in the County of Nassau and Extending the Period for Paying Real Property Taxes in the Towns of Hempstead, North Hempstead and Oyster Bay	Declares a disaster pursuant to Section 28 of Article 2-B of the Executive Law and pursuant to section 925-a(2) of the Real Property Tax Law, extends the period for paying the real property taxes without interest or penalty until 2/17/2010 in the towns of Hempstead, North Hempstead, and Oyster Bay.	N/A, 2/17/2010	<b>2</b>
12/31/09	<b>34.1</b>	Declaring An Emergency In Order To Allow New Jersey Police Officers To Provide Enhanced Security On Passenger Ferries Between New York And New Jersey In Order To Better Protect Passengers From Any Terrorist Or Other Threat	Declares an emergency pursuant to Section 28 and 29-g of Article 2-B, concerning the safety of ferry passengers between NY and NJ. Requests NJ to make its law enforcement officers available to provide enhance security on ferries traveling between NY and NJ and gives the NJ law enforcement officers all law enforcement powers while doing so. Revokes Executive Order 34 and will remain in effect until 1/2/2010	1/2/10	<b>2, 8</b>
2/18/10	<b>35</b>	Rescinding Section II of Executive Order 142	Rescinds section II of Executive Order 142 (Pataki), which required state agencies and authorities to use a certain amount of bio-diesel and other green energy items in their fleets and vehicles.	One time	<b>8</b>
3/3/10	<b>36</b>	Declaring a Disaster in the Counties of Broome, Chenango, Clinton, Essex, Franklin, Greene, Jefferson, Lewis, Onondaga, Otsego, St. Lawrence, Schenectady, Steuben and Tioga	Declares a State Disaster Emergency pursuant to Section 28 of Article 2-B of the Executive law, effective 1/24/2010???, states that the order satisfies the requirements of the terms of Sections 120 (e) and 125 of Title 23 of the USC, designates Stanley Gee as coordinating officer of this effort.	N/A	<b>2</b>
4/26/10	<b>37</b>	Declaring A Disaster In The Counties Of Columbia, Dutchess, Greene, Orange, Putnam, Rockland, Ulster And Westchester With Respect To Extensive Damage Caused To Federal-Aid Highways	Declares a State Disaster Emergency pursuant to Section 28 of Article 2-B of the Executive law, effective 2/24/2010???, states that the order satisfies the requirements of the terms of Sections 120 (e) and 125 of Title 23 of the USC, designates Stanley Gee as coordinating officer in this effort.	N/A1	<b>2</b>

\* See Table 1 for the code categories. These were developed by Margaret R. Ferguson and Cynthia J. Bowling in 2008.

TABLE  
**NUMBER OF EXECUTIVE ORDERS PER  
FUNCTION FOR EVERY GOVERNOR**

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# TABLE

## NUMBER OF EXECUTIVE ORDERS PER FUNCTION FOR EVERY GOVERNOR

FUNCTION	ROCKEFELLER	CAREY	CUOMO	PATAKI	SPITZER	PATERSON	TOTAL
1 Implementation of a Federal Mandate			3	2			5
2 Declaring a State Disaster and Ordering Relief						20	20
3 Naming a State Office Building			4			1	5
4 Creating a New State Position or Office			4	7			11
5 Creating a Continuing Regulating Commission			4	2	1	2	9
5a Creating a Temporary Regulating Commission					3	3	6
6 Creating a Continuing Adv. Council, Board, or Task Force			9	2	3	4	18
6a Creating a Temporary Adv. Council, Board, or Task Force				1	1	8	10
7 Appointments to State Positions						2	2
8 Rescinding or Amending Prior Orders	1		6	2		4	13
9 Extending or Reaffirming Prior Orders						14	14
10 Reorganization of State Agency or Department	1						
11 Procedural Directives for Programs or Agencies	1		16	9	6	10	42
<b>TOTAL CODES</b>	3	0	46	25	14	68	156
<b>TOTAL EXECUTIVE ORDERS</b>	1	0	36	19	14	50	120

\* Categories based upon Margaret R. Ferguson and Cynthia J. Bowling, "Executive Orders and Administrative Control," Public Administration Review (Dec. 2008) pp.

\*\* A single Order may be in More than One Category - Total exceeds number of orders

\*\*\* Total number of Executive Orders currently in force in NYS is 121