

2021-C214

Assembly Resolution No. 214

BY: M. of A. Zebrowski

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

terminating certain suspensions of law in Executive
Orders numbers 202.6 and 202.7

WHEREAS, the Governor was given the authority pursuant to Executive Law section 29-a by Executive Order to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a state disaster emergency if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster; and

WHEREAS, Executive Orders numbers 202.6 and 202.7 include several provisions of law for the purposes of easing provisions of law governing the activities of public officers for the purpose of hiring volunteers by the state during the state of emergency within compliance with these provisions of law; and

WHEREAS, Executive Orders numbers 202.6 and 202.7 accomplish this goal through the following suspensions or modifications of law; subclause 1 of Executive Order number 202.6, which suspends or modifies section 3 of the Public Officers Law to not apply to an individual who is deemed necessary to hire or to engage in a volunteer capacity to

provide for an effective and efficient emergency response, for the duration of such emergency; subclause 2 of Executive Order number 202.6, which suspends or modifies paragraph (i) of subdivision 1 of section 73 of the Public Officers Law to not apply to any person who is hired, retained, appointed, or who volunteers in any way to assist New York State in its response to the declared emergency; subclause 3 of Executive Order number 202.6, which suspends or modifies subparagraph 5 of section 73 of the Public Officers Law to not apply to a state officer or employee, or a volunteer who is facilitating contributions or donations to assist New York State in its response to the declared emergency; subclause 4 of Executive Order number 202.6, which suspends or modifies subdivision 8 of section 73 of the Public Officers Law and section 74 of the Public Officers Law to not apply to volunteers or contractors who assist New York State in its response, provided that any recusals shall be adhered to if determined necessary by the appointing entity; and subclause 1 of Executive Order number 202.7, which modifies the suspensions in subclause 3 and subclause 4 of Executive Order number 202.6, for purposes of clarifying that such suspensions and modifications shall only be valid with respect to a person hired for a nominal or no salary or in a volunteer capacity; and

WHEREAS, the State Legislature has the authority to terminate by concurrent resolution Executive Orders issued under section 29-a of the Executive Law; now, therefore, be it

RESOLVED, (if the &HOUSE concur), That subclauses 1, 2, 3, and 4 of Executive Order number 202.6, as extended or modified, and subclause 1 of Executive Order number 202.7, as extended or modified, are hereby terminated.