S T A T E O F N E W Y O R K

S. 3552--A A. 5668--A
Cal. No. 580

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

February 25, 2011

IN SENATE -- Introduced by Sens. RITCHIE, AVELLA, DeFRANCISCO, GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

IN ASSEMBLY -- Introduced by M. of A. MAGEE, TENNEY, GIGLIO, OAKS, McDONOUGH, MURRAY, GRAF, BRINDISI -- read once and referred to the Committee on Local Governments -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to authorizing a municipality to contract for the assistance of a volunteer wilderness/inland search and rescue team

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 209-bb of the general municipal law, as amended by chapter 482 of the laws of 1997, is amended to read as follows:

S 209-bb. Specialized teams; VOLUNTEER WILDERNESS/INLAND SEARCH AND RESCUE TEAMS. 1. A. By resolution, after a public hearing the governing body of each county, city and town is authorized, respectively, to establish, maintain and supervise municipal-wide and inter-municipal specialized teams.

[2.] B. Counties, cities and towns are authorized to appropriate and expend such sums as are deemed necessary to establish and maintain specialized teams pursuant to this section.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD08754-02-2

[3.] C. Municipalities and organizations that insure volunteer firefighters, volunteer ambulance workers or municipal employees, as the term "employee" is defined under section eighteen of the public officers law, may extend such insurance coverage to members of a specialized team by resolution.

[4.] D. For the purposes of this section, "specialized teams" shall mean any emergency team or squad composed of volunteer firefighters, volunteer ambulance workers or municipal employees, who shall have attained the minimum level of training or experience to meet qualifying standards established by the office of fire prevention and control, and which is administered by the state, a county, city or town for the purposes of training for or responding to a man made or natural disaster by carrying out any activities which are within the relevant training and expertise of such municipal employees or are authorized pursuant to the volunteer firefighters' benefit law or the volunteer ambulance workers' benefit law but which are not normally provided by such entities.

2. A. THE GOVERNING BODY OF EACH COUNTY, CITY, TOWN AND VILLAGE IS AUTHORIZED, RESPECTIVELY, TO CONTRACT FOR THE ASSISTANCE OF A VOLUNTEER WILDERNESS/INLAND SEARCH AND RESCUE TEAM FOR THE PURPOSE OF LOCATING AND RESCUING AN INDIVIDUAL OR INDIVIDUALS.

B. NO MUNICIPALITY SHALL BE LIABLE FOR THE INJURY, DEATH OR DAMAGE TO A VOLUNTEER WILDERNESS/INLAND SEARCH AND RESCUE TEAM OR ITS MEMBERS OCCURRING DURING THE PERFORMANCE OF THE ACTIVITIES AUTHORIZED BY THIS SECTION. SUCH TEAM AND ITS MEMBERS SHALL INDEMNIFY AND HOLD HARMLESS THE MUNICIPALITY THAT CONTRACTED FOR ASSISTANCE WITH SUCH VOLUNTEER WILDERNESS/INLAND SEARCH AND RESCUE TEAM PURSUANT TO THIS SECTION AGAINST ANY CLAIM OF LIABILITY FOR ANY INJURY, DEATH OR PROPERTY DAMAGE THAT MAY OCCUR AS A RESULT OF AN ACT OF SUCH TEAM AND ITS MEMBERS, INCLUDING, BUT NOT LIMITED TO, ANY INDEMNITY PAID, ATTORNEYS' FEES, COSTS AND LITIGATION EXPENSES. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY WHEN THE MUNICIPALITY HAS ENGAGED IN WILLFUL MISCONDUCT, GROSS NEGLIGENCE OR RECKLESSNESS.

C. FOR PURPOSES OF THIS SECTION, "VOLUNTEER WILDERNESS/INLAND SEARCH AND RESCUE TEAM" OR "TEAM" SHALL MEAN AN ORGANIZATION: WHOSE MEMBERS HAVE OBTAINED A MINIMUM LEVEL OF TRAINING OR EXPERIENCE AS MAY BE ESTABLISHED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S OFFICE OF PUBLIC PROTECTION; THAT IS FORMED FOR THE PURPOSE OF LOCATING AND RESCUING, OR RECOVERING, A KNOWN INDIVIDUAL OR KNOWN INDIVIDUALS, IN AN UNKNOWN LOCATION, WHOSE SAFETY MAY BE THREATENED BY CONDITIONS RELATED TO THE ENVIRONMENT OR OTHER FACTORS; THAT IS INCORPORATED UNDER THE LAWS OF NEW YORK STATE; AND THAT OPERATES NOT FOR PECUNIARY PROFIT OR FINANCIAL GAIN.

D. FOR THE PURPOSES OF THIS SECTION, "VOLUNTEER WILDERNESS/INLAND SEARCH AND RESCUE TEAM MEMBER" SHALL MEAN AN ACTIVE VOLUNTEER MEMBER OF A VOLUNTEER SEARCH AND RESCUE TEAM WHO MEETS THE MINIMUM LEVEL OF TRAINING OR EXPERIENCE PURSUANT TO PARAGRAPH C OF THIS SUBDIVISION AND IS SPECIFIED ON A LIST REGULARLY MAINTAINED BY THE VOLUNTEER WILDERNESS/INLAND SEARCH AND RESCUE TEAM. SUCH LIST SHALL BE PROVIDED TO A REQUESTING MUNICIPALITY. IN ADDITION, FOR PURPOSES OF THIS SECTION, A VOLUNTEER WILDERNESS/INLAND SEARCH AND RESCUE TEAM MEMBER SHALL BE AN INDEPENDENT CONTRACTOR AND SHALL NOT BE CONSIDERED AN OFFICER OR EMPLOYEE OF THE CONTRACTING MUNICIPALITY.

S 2. This act shall take effect immediately.