

5025

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY, PAULIN, TITONE, SCARBOROUGH, J. RIVERA, PHEFFER, MAGNARELLI, MILLMAN, KELLNER, JAFFEE, GREENE, GALEF, EDDINGTON, BROOK-KRASNY, CLARK, ROSENTHAL, COLTON -- Multi-Sponsored by -- M. of A. BOYLAND, GLICK, HIKIND, HOOPER, JEFFRIES, LATIMER, LUPARDO, MAISEL, McENENY, SCHIMEL, WEISENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to consistency among local disaster preparedness plans

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

1 Section 1. The executive law is amended by adding a new section 23-c
2 to read as follows:
3 S 23-C. CONSISTENCY AMONG LOCAL DISASTER PREPAREDNESS PLANS. 1. THE
4 LOCAL DISASTER PREPAREDNESS PLANS FOR EACH COUNTY, CITY, TOWN, OR
5 VILLAGE SHALL BE SO DEVELOPED THAT NO PART OF THE LOCAL DISASTER
6 PREPAREDNESS PLAN OF ANY COUNTY OR ANY CITY, TOWN, OR VILLAGE WITHIN
7 SUCH COUNTY CONFLICTS WITH ANY PART OF THE LOCAL DISASTER PREPAREDNESS
8 PLAN OF ANY OF THE OTHER SAID ENTITIES WITHIN SUCH COUNTY OR SUCH COUNTY
9 ITSELF. IN THE EVENT OF ANY SUCH CONFLICT, SUCH CONFLICT SHALL BE
10 RESOLVED BY SUCH COUNTY. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT
11 APPLY TO A CITY WHOLLY CONTAINING MORE THAN ONE COUNTY OR TO ANY COUNTY
12 WHOLLY CONTAINED WITHIN ANY SUCH CITY.
13 2. IN THE EVENT THAT ANY PART OF THE LOCAL DISASTER PREPAREDNESS PLAN
14 OF ANY COUNTY OR ANY CITY, TOWN, OR VILLAGE WITHIN SUCH COUNTY CONFLICTS
15 WITH ANY PART OF THE LOCAL DISASTER PREPAREDNESS PLAN OF ANY OTHER COUN-
16 TY OR ANY CITY, TOWN, OR VILLAGE WITHIN ANY SUCH OTHER COUNTY, SUCH
17 CONFLICT SHALL BE RESOLVED BY THE STATE EMERGENCY MANAGEMENT OFFICE, AS
18 DEFINED IN PARAGRAPH (E) OF SUBDIVISION ONE OF SECTION TWENTY-NINE-E OF
19 THIS ARTICLE. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO ANY
20 COUNTY WHOLLY CONTAINED WITHIN A CITY WHOLLY CONTAINING MORE THAN ONE

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

LBD08208-01-9

1 COUNTY. ANY CITY WHOLLY CONTAINING MORE THAN ONE COUNTY SHALL BE SUBJECT
2 TO THE PROVISIONS OF THIS SUBDIVISION AS IF IT WERE A COUNTY.
3 3. SAID STATE EMERGENCY MANAGEMENT OFFICE IS HEREBY AUTHORIZED AND
4 DIRECTED TO PROMULGATE ANY RULES OR REGULATIONS OR TAKE ANY OTHER MEAS-
5 URES NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS SECTION.
6 S 2. This act shall take effect on the one hundred eightieth day after
7 it shall have become a law. Effective immediately the state emergency
8 management office, as defined in paragraph (e) of subdivision 1 of
9 section 29-e of the executive law, is authorized to promulgate any and
10 all rules and regulations and take any other measures necessary for the
11 timely implementation of this act on its effective date on or before
12 such date.