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

520

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, MARKEY, PEOPLES, BENEDETTO, BRODSKY, PHEFFER, McENENY, P. RIVERA -- Multi-Sponsored by -- M. of A. TITONE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring counties to maintain a registry of people of all ages with disabilities for evacuation and sheltering during disasters

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

Section 1. Section 23-a of the executive law, as added by chapter 658 of the laws of 1996, is amended to read as follows:

S 23-a. County registry of [disabled persons] PEOPLE OF ALL AGES WITH DISABILITIES, AS THAT TERM IS DEFINED IN SUBDIVISION TWENTY-ONE OF SECTION TWO HUNDRED NINETY-TWO OF THIS CHAPTER; notice. 1. In each county having a local disaster preparedness plan pursuant to section twenty-three of this article, in order to meet the special needs of persons OF ALL AGES WITH DISABILITIES who would need assistance during evacuations and sheltering because of physical or mental [handicaps] DISABILITIES, it [is recommended] SHALL BE REQUIRED that each chief executive maintain a registry of [disabled persons] PEOPLE OF ALL AGES WITH DISABILITIES located within the county. PEOPLE OF ALL AGES WITH DISABILITIES SHALL BE GIVEN THE OPTION NOT TO BE INCLUDED IN THE REGISTRY. The registration shall identify those persons in need of assistance and plan for resource allocation to meet those identified needs. To assist the chief executive in identifying such persons, the county department of health, THE COUNTY DEPARTMENT OF SOCIAL SERVICES, THE COUNTY DEPARTMENT OF MENTAL HEALTH, or such other county department or agency as designated by the chief executive, shall provide [voluntary] registration information to all of its [special needs] clients OF ALL AGES WITH DISABILITIES and to all incoming clients as part of the intake process. The registry shall be updated annually. The registration

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

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program shall give [disabled persons] SUCH PEOPLE OF ALL AGES WITH DISABILITIES the option of pre-authorizing emergency response personnel to enter their homes during search and rescue operations if necessary to assure their safety and welfare during disasters.

2. Upon the establishment of a [voluntary] registry of [disabled persons] PEOPLE OF ALL AGES WITH DISABILITIES as provided in subdivision one of this section, the chief executive shall make such registry available to the appropriate county, state and federal agencies for their use in delivering services in the event of a local or state disaster. The chief executive shall[, upon the request of the state emergency management office,] provide such registry information to [such] THE STATE EMERGENCY MANAGEMENT office. The chief executive may, at his discretion, use the registry information for local disaster preparedness only in coordination with other political subdivisions of the state.

3. Upon the establishment of a [voluntary] registry of [disabled persons] PEOPLE OF ALL AGES WITH DISABILITIES as provided in subdivision one of this section, at least semi-annually, each chief executive shall cause to be published in a newspaper of general circulation within the county a notice of the availability of the [voluntary] registration program.

4. All records, data, information, correspondence and communications relating to the registration of [disabled persons] PEOPLE OF ALL AGES WITH DISABILITIES as provided in subdivision one of this section are confidential, except that such information shall be available to other county chief executives for local disaster preparedness only as the chief executive of the county maintaining such registry deems necessary. Provided, however, the individual file of a person having registered with the registry of [disabled persons] PEOPLE OF ALL AGES WITH DISABILITIES shall be made available to that person upon request.

5. All community-based services providers, including home health care providers, shall assist the chief executive by collecting registration information for people with special needs as part of program intake processes, establishing programs to increase the awareness of the registration process, and educating clients about the procedures that may be necessary for their safety during disasters.

6. A county shall not be liable for any claim based upon the REASONABLE, good faith exercise or performance or the REASONABLE, good faith failure to exercise or perform a function or duty on the part of any officer or employee in carrying out a local disaster preparedness plan.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.