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

8981

2009-2010 Regular Sessions

I N A S S E M B L Y

June 17, 2009

Introduced by M. of A. BALL, WALKER, CROUCH, TEDISCO -- Multi-Sponsored by -- M. of A. TOWNSEND -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to local disaster preparedness plans, requiring law enforcement agencies to report to the superintendent of state police suspected or perceived threats of the release of any chemical, biological or radiological agent and the energy transportation and storage security program, government continuity program, business continuity program, post disaster recovery program, energy security program, public security evacuation program, and disaster preparedness plan program, and establishing an endowed chair within the state university of New York for the study of terrorism and homeland security and making an appropriation therefor

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

Section 1. Paragraph a of subdivision 2 of section 20 of the executive law, as amended by chapter 781 of the laws of 1988, is amended to read as follows:

a. "disaster" means 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, ACT OF TERRORISM INCLUDING BIOLOGICAL, CHEMICAL OR RADIOLOGICAL TERRORISM, bridge failure or bridge collapse.

S 2. Subdivision 6 of section 23 of the executive law, as added by chapter 640 of the laws of 1978, is amended to read as follows:

6. All plans for disaster preparedness developed by local governments or any revisions thereto shall COMPLY WITH THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AND be submitted to the commission by December thir-

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

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ty-first of each year to facilitate state coordination of disaster operations.

S 3. Subparagraph 4 of paragraph a of subdivision 7 of section 23 of the executive law, as added by chapter 640 of the laws of 1978, is amended and eight new subparagraphs 5, 6, 7, 8, 9, 10, 11 and 12 are added to read as follows:

(4) such other measures as reasonably can be taken to prevent disasters or mitigate their impact[.];

(5) A ROSTER OF VOLUNTEER MEDICAL PERSONNEL IN THE COUNTY WHO WOULD BE AVAILABLE TO RESPOND TO DISASTERS AND HAVE A PROCEDURE TO COORDINATE SUCH VOLUNTEERS;

(6) ASSESSMENT AS TO THE EXTENT OF EACH COUNTY'S HEALTHCARE INFRASTRUCTURE WHICH INCLUDES THE AMOUNT OF HOSPITAL BEDS, DOCTOR'S OFFICES AND EMERGENCY HEALTH SERVICES AVAILABLE TO A DISASTER AREA;

(7) DEVELOPMENT OF A SYSTEM FOR COLLECTING DISEASE OR EXPOSURE DATA IMMEDIATELY AS A RESULT OF A DISASTER;

(8) IDENTIFICATION OF A LOCAL STOCKPILE OF PHARMACEUTICALS AVAILABLE IN THE COUNTY, IF AVAILABLE, AND IDENTIFY HOW TO INTEGRATE STATE AND FEDERAL STOCKPILES INTO THE LOCAL SUPPLY;

(9) IDENTIFICATION AND COORDINATION OF THE EMERGENCY SERVICES ORGANIZATIONS TO BE USED FOLLOWING A DISASTER;

(10) DESIGNATING A COUNTY HEALTH OFFICIAL AS THE HEALTH RISK COMMUNICATOR;

(11) CREATION OF DRILLS TO BE USED TO TEST SUCH PLANS; AND

(12) ASSESSMENT AS TO THE PLANNING FOR AND IMPLEMENTATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM.

S 4. The executive law is amended by adding a new section 221-e to read as follows:

S 221-E. REPORTING THREATS CONCERNING ACTUAL, SUSPECTED OR PERCEIVED CHEMICAL, BIOLOGICAL OR RADIOLOGICAL AGENTS. EVERY LAW ENFORCEMENT AGENCY WHICH RECEIVES A REPORT OF A SUSPECTED OR PERCEIVED THREAT OR INCIDENT RELATING TO THE RELEASE OF ANTHRAX OR ANY OTHER SUSPECTED OR PERCEIVED CHEMICAL, BIOLOGICAL OR RADIOLOGICAL AGENT SHALL, IMMEDIATELY AFTER RECEIVING SUCH REPORT, NOTIFY THE SUPERINTENDENT OF STATE POLICE OF SUCH REPORT VIA THE NEW YORK STATEWIDE POLICE INFORMATION NETWORK OR BY SUCH OTHER MEANS AS SHALL BE DESIGNATED BY SUCH SUPERINTENDENT.

S 5. The executive law is amended by adding eight new sections 716, 717, 718, 719, 720, 721, 722 and 723 to read as follows:

S 716. ENERGY TRANSPORTATION AND STORAGE SECURITY PROGRAM. THE NEW YORK STATE OFFICE OF HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE ENERGY TRANSPORTATION AND STORAGE SECURITY PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TEN. WITHIN NINETY DAYS OF THE COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK STATE OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE CHAIR OF THE SENATE COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY COMMITTEE ON GOVERNMENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY, CONTAINING RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A NEW YORK STATE ENERGY TRANSPORTATION AND STORAGE SECURITY PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE WHAT MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH SUCH A PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED AND EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

S 717. GOVERNMENT CONTINUITY PROGRAM. THE NEW YORK STATE OFFICE OF HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE GOVERNMENT CONTINUITY PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TEN. WITHIN NINETY DAYS OF THE COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK STATE OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY, CONTAINING RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A NEW YORK STATE GOVERNMENT CONTINUITY PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE WHAT MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH SUCH A PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED AND EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

S 718. BUSINESS CONTINUITY PROGRAM. THE NEW YORK STATE OFFICE OF HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE BUSINESS CONTINUITY PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TEN. WITHIN NINETY DAYS OF THE COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK STATE OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY, CONTAINING RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A NEW YORK STATE BUSINESS CONTINUITY PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE WHAT MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH SUCH A PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED AND EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

S 719. POST DISASTER RECOVERY PROGRAM. THE NEW YORK STATE OFFICE OF HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE POST DISASTER RECOVERY PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TEN. WITHIN NINETY DAYS OF THE COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK STATE OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY, CONTAINING RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A NEW YORK STATE POST DISASTER RECOVERY PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE WHAT MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH SUCH A PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED AND EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

S 720. ENERGY SECURITY PROGRAM. THE NEW YORK STATE OFFICE OF HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE ENERGY SECURITY PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TEN. WITHIN NINETY DAYS OF THE COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK STATE OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS AND THE

CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY, CONTAINING RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A NEW YORK STATE ENERGY SECURITY PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE WHAT MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH SUCH A PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED AND EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

S 721. PUBLIC SECURITY EVACUATION PROGRAM. THE NEW YORK STATE OFFICE OF HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE PUBLIC SECURITY EVACUATION PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TEN. WITHIN NINETY DAYS OF THE COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK STATE OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY, CONTAINING RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A NEW YORK STATE PUBLIC SECURITY EVACUATION PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE WHAT MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH SUCH A PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED AND EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

S 722. DISASTER PREPAREDNESS PLAN PROGRAM. THE NEW YORK STATE OFFICE OF HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE DISASTER PREPAREDNESS PLAN PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TEN. WITHIN NINETY DAYS OF THE COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK STATE OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY, CONTAINING RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A NEW YORK STATE DISASTER PREPAREDNESS PLAN PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE WHAT MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH SUCH A PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED AND EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

S 723. ACADEMIC CHAIR FOR THE STUDY OF TERRORISM AND HOMELAND SECURITY. 1. DECLARATION OF LEGISLATIVE FINDINGS AND INTENT. TERRORISM HAS EMERGED AS THE MORTAL ENEMY OF DEMOCRATIC INSTITUTIONS WORLDWIDE AND IT INFECTS AND DISTORTS WORLD SECURITY, COMMERCE AND FREEDOM. IT HAS FORGED UNHOLY ALLIANCES WITH CRIMINAL ORGANIZATIONS AND LINKS TO OUTLAW STATES. IT IS RUTHLESS, INHUMAN AND DEADLY, DEMONSTRATING A CONTEMPT FOR THE BASIC VALUE OF HUMAN LIFE AND CIVILIZATION.

WITH THE INTERNATIONALIZATION OF TERRORISM, THE CHALLENGE POSED TO OUR MILITARY, LAW ENFORCEMENT AND GENERAL SOCIETY HAS GROWN EXPONENTIALLY. THE STRATEGIES AND TACTICS DEVELOPED TO COMBAT TERRORISM ARE DYNAMIC AND EVER CHANGING, REQUIRING A THOUGHTFUL AND REGULAR STUDY, EXAMINATION AND REVIEW, IN ORDER TO BUILD THE CAPABILITIES NEEDED TO MEET THIS ONGOING CHALLENGE. WE MUST DEVELOP THE MILITARY, LEGAL AND STRATEGIC FRAMEWORKS WITH WHICH THOSE CHARGED WITH FIGHTING THE WAR ON TERROR MAY EFFECTIVELY DEPLOY. THIS IS A MATTER OF THE GREATEST URGENCY. WE DO NOT HAVE THE LUXURY OF TAKING TIME TO ANALYZE AND STUDY. WE ARE ALREADY IN A MORTAL

CONFRONTATION THAT THREATENS PEACE, PROSPERITY AND PUBLIC CONFIDENCE. WE MUST PROTECT OUR PEOPLE AND OUR INSTITUTIONS.

ONCE AGAIN, NEW YORK WILL EXERCISE LEADERSHIP BY CREATING AN ENDOWED CHAIR IN TERRORISM AND HOMELAND SECURITY WITHIN THE STATE UNIVERSITY OF NEW YORK. THIS INSTITUTION WILL PROVIDE A FORUM FOR STUDY AND DELIBERATION ON THE DEFEAT OF TERRORISM AND THE PROMOTION OF HOMELAND SECURITY WITH THE GOAL OF CONTRIBUTING TO THE DEVELOPMENT OF STRATEGIES AND SOLUTIONS.

2. ACADEMIC CHAIR TO STUDY TERRORISM AND HOMELAND SECURITY. THERE IS HEREBY ESTABLISHED WITHIN THE STATE UNIVERSITY OF NEW YORK, AN ACADEMIC CHAIR TO STUDY TERRORISM AND HOMELAND SECURITY. SUCH CHAIR SHALL ORGANIZE CONFERENCES AND SEMINARS, DEVELOP TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICERS, PUBLISH ITS PROCEEDINGS AND MAINTAIN A LIBRARY. THE CHANCELLOR AND TRUSTEES OF THE STATE UNIVERSITY SHALL APPOINT A PERSON WELL QUALIFIED BY EDUCATION AND EXPERIENCE TO ADMINISTER THE PROGRAM OF SUCH CHAIR. SUCH CHAIR SHALL BE AUTHORIZED TO ESTABLISH A DEVELOPMENT PROGRAM TO BUILD ITS OWN ENDOWMENT.

S 6. The sum of three hundred fifty thousand dollars ($350,000), or so much thereof as may be necessary, is hereby appropriated to the state university of New York from any moneys in the state treasury in the general fund to the credit of the state purposes account not otherwise appropriated for the purposes of carrying out the provisions of section 723 of the executive law, as added by section five of of this act. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education, or his or her duly designated representative in the manner provided by law. No expenditure shall be made from this appropriation until a certificate of approval of availability shall have been issued by the director of the budget and filed with the state comptroller and a copy filed with the chairman of the senate finance committee and the chairman of the assembly ways and means committee. Such certificate may be amended from time to time by the director of the budget and a copy of each such amendment shall be filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

S 7. This act shall take effect immediately, except that sections one, two and three of this act shall take effect on the first of June next succeeding the date on which this act shall have become a law.