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

4324

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sen. FOLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

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:

Section 1. The executive law is amended by adding a new section 23-c to read as follows:

S 23-C. CONSISTENCY AMONG LOCAL DISASTER PREPAREDNESS PLANS. 1. THE LOCAL DISASTER PREPAREDNESS PLANS FOR EACH COUNTY, CITY, TOWN, OR VILLAGE SHALL BE SO DEVELOPED THAT NO PART OF THE LOCAL DISASTER PREPAREDNESS PLAN OF ANY COUNTY OR ANY CITY, TOWN, OR VILLAGE WITHIN SUCH COUNTY CONFLICTS WITH ANY PART OF THE LOCAL DISASTER PREPAREDNESS PLAN OF ANY OF THE OTHER SAID ENTITIES WITHIN SUCH COUNTY OR SUCH COUNTY ITSELF. IN THE EVENT OF ANY SUCH CONFLICT, SUCH CONFLICT SHALL BE RESOLVED BY SUCH COUNTY. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO A CITY WHOLLY CONTAINING MORE THAN ONE COUNTY OR TO ANY COUNTY WHOLLY CONTAINED WITHIN ANY SUCH CITY.

2. IN THE EVENT THAT ANY PART OF THE LOCAL DISASTER PREPAREDNESS PLAN OF ANY COUNTY OR ANY CITY, TOWN, OR VILLAGE WITHIN SUCH COUNTY CONFLICTS WITH ANY PART OF THE LOCAL DISASTER PREPAREDNESS PLAN OF ANY OTHER COUNTY OR ANY CITY, TOWN, OR VILLAGE WITHIN ANY SUCH OTHER COUNTY, SUCH CONFLICT SHALL BE RESOLVED BY THE STATE EMERGENCY MANAGEMENT OFFICE, AS DEFINED IN PARAGRAPH (E) OF SUBDIVISION ONE OF SECTION TWENTY-NINE-E OF THIS ARTICLE. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO ANY COUNTY WHOLLY CONTAINED WITHIN A CITY WHOLLY CONTAINING MORE THAN ONE COUNTY. ANY CITY WHOLLY CONTAINING MORE THAN ONE COUNTY SHALL BE SUBJECT TO THE PROVISIONS OF THIS SUBDIVISION AS IF IT WERE A COUNTY.

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

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3. SAID STATE EMERGENCY MANAGEMENT OFFICE IS HEREBY AUTHORIZED AND DIRECTED TO PROMULGATE ANY RULES OR REGULATIONS OR TAKE ANY OTHER MEASURES NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately the state emergency management office, as defined in paragraph (e) of subdivision 1 of section 29-e of the executive law, is authorized to promulgate any and all rules and regulations and take any other measures necessary for the timely implementation of this act on its effective date on or before such date.