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

10520

I N A S S E M B L Y

April 2, 2010

Introduced by M. of A. TEDISCO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to adding elderly persons to disaster preparedness registries and creating a state emergency assistance database

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

Section 1. The section heading and subdivisions 1, 2, 3 and 4 of section 23-a of the executive law, as added by chapter 658 of the laws of 1996, are amended to read as follows:

County registry of ELDERLY OR disabled persons; 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 who would need assistance during evacuations OR OTHER EMERGENCY SITUATIONS and sheltering because of physical or mental handicaps, [it is recommended that] OR WHOSE ABILITY TO CARE FOR THEMSELVES DURING AN EMERGENCY SITUATION IS ADVERSELY AFFECTED BY ADVANCED AGE, OR PERMANENT OR TEMPORARY MEDICAL CONDITION, each chief executive SHALL maintain a registry of ELDERLY OR disabled persons located within the county. 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, 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 and to all incoming clients as part of the intake process. The registry shall be updated annually AT A MINIMUM. The registration program shall give ELDERLY OR disabled persons 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 ELDERLY OR disabled persons 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

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

LBD15943-01-0

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 office] THE STATE EMERGENCY MANAGEMENT OFFICE, INCLUDING ALL ANNUAL UPDATES TO SUCH REGISTRY INFORMATION, FOR PLACEMENT IN THE STATE EMERGENCY ASSISTANCE DATABASE. 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 ELDERLY OR disabled persons 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 ELDERLY OR disabled persons 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 shall be made available to that person upon request.

S 2. Section 23-a of the executive law is amended by adding a new subdivision 7 to read as follows:

7. (A) THE COMMISSION SHALL ESTABLISH THE STATE EMERGENCY ASSISTANCE DATABASE (SEAD). THE SEAD SHALL BE A COMPREHENSIVE LISTING OF ALL PERSONS LOCATED IN THE STATE, WHO HAVE VOLUNTARILY REQUESTED PLACEMENT ON ANY COUNTY REGISTRY OF ELDERLY OR DISABLED PERSONS AS ESTABLISHED PURSUANT TO THIS SECTION, AND IN ADDITION SHALL ACCEPT VOLUNTARY REGISTRANTS DIRECTLY AS NEEDED, AT WHICH TIME SUCH REGISTRATION INFORMATION COLLECTED SHALL BE FORWARDED TO THE APPROPRIATE COUNTY REGISTRY.

(B) THE SEAD SHALL BE MADE ACCESSIBLE TO ALL SUCH APPROPRIATE STATE AND COUNTY EMERGENCY RESPONSE PERSONNEL AND ORGANIZATIONS AS MAY BE DEEMED APPROPRIATE BY THE COMMISSION IN ORDER TO PROPERLY PLAN FOR SECURING THE NEEDS, SAFETY, AND WELL-BEING OF THE REGISTRANTS. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, PLANNING FOR EVACUATIONS, ASSESSING THE NEED FOR INDIVIDUAL EVACUATIONS DURING EMERGENCY SITUATIONS THAT MAY NOT REQUIRE THE EVACUATION OF THE GENERAL PUBLIC, PREPOSITIONING EQUIPMENT AND SUPPLIES, OR SUCH OTHER MEASURES AS THE COMMISSION DEEMS NECESSARY TO ACCOMPLISH THE OBJECTIVES OF THIS ARTICLE. IN ADDITION, THE SEAD SHALL BE MADE ACCESSIBLE TO ALL APPROPRIATE FEDERAL EMERGENCY RESPONSE ORGANIZATIONS AND SHALL BE MADE AVAILABLE TO SUCH OTHER VOLUNTARY RELIEF ORGANIZATIONS AS THE COMMISSION DEEMS NECESSARY.

(C) ALL RECORDS, DATA, INFORMATION, CORRESPONDENCE AND COMMUNICATIONS RELATING TO THE SEAD SHALL BE CONFIDENTIAL, EXCEPT THAT SUCH INFORMATION MAY BE MADE AVAILABLE AT THE DISCRETION OF THE COMMISSION IN FURTHERANCE OF THE OBJECTIVES OF THIS ARTICLE. THE INDIVIDUAL FILE OF A PERSON HAVING REGISTERED WITH THE SEAD SHALL BE MADE AVAILABLE TO THAT PERSON UPON REQUEST.

(D) THE COMMISSION SHALL NOT BE LIABLE FOR ANY CLAIM BASED UPON THE GOOD FAITH EXERCISE OR PERFORMANCE OR THE GOOD FAITH FAILURE TO EXERCISE OR PERFORM A FUNCTION OR DUTY ON THE PART OF ANY OFFICER OR EMPLOYEE IN THE MAINTENANCE OR USAGE OF THE SEAD.

S 3. This act shall take effect immediately.