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I N   A S S E M B L Y

April 2, 2010

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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:

1     Section 1. The section heading and subdivisions 1, 2, 3 and 4 of  
2     section 23-a of the executive law, as added by chapter 658 of the laws  
3     of 1996, are amended to read as follows:  
4     County registry of ELDERLY OR disabled persons; notice. 1. In each  
5     county having a local disaster preparedness plan pursuant to section  
6     twenty-three of this article, in order to meet the special needs of  
7     persons who would need assistance during evacuations OR OTHER EMERGENCY  
8     SITUATIONS and sheltering because of physical or mental handicaps, [it  
9     is recommended that] OR WHOSE ABILITY TO CARE FOR THEMSELVES DURING AN  
10    EMERGENCY SITUATION IS ADVERSELY AFFECTED BY ADVANCED AGE, OR PERMANENT  
11    OR TEMPORARY MEDICAL CONDITION, each chief executive SHALL maintain a  
12    registry of ELDERLY OR disabled persons located within the county. The  
13    registration shall identify those persons in need of assistance and plan  
14    for resource allocation to meet those identified needs. To assist the  
15    chief executive in identifying such persons, the county department of  
16    health, or such other county department or agency as designated by the  
17    chief executive, shall provide voluntary registration information to all  
18    of its special needs clients and to all incoming clients as part of the  
19    intake process. The registry shall be updated annually AT A MINIMUM.  
20    The registration program shall give ELDERLY OR disabled persons the  
21    option of pre-authorizing emergency response personnel to enter their  
22    homes during search and rescue operations if necessary to assure their  
23    safety and welfare during disasters.  
24    2. Upon the establishment of a voluntary registry of ELDERLY OR disa-  
25    bled persons as provided in subdivision one of this section, the chief  
26    executive shall make such registry available to the appropriate county,  
27    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.

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1 event of a local or state disaster. The chief executive shall[, upon the  
2 request of the state emergency management office,] provide such registry  
3 information to [such office] THE STATE EMERGENCY MANAGEMENT OFFICE,  
4 INCLUDING ALL ANNUAL UPDATES TO SUCH REGISTRY INFORMATION, FOR PLACEMENT  
5 IN THE STATE EMERGENCY ASSISTANCE DATABASE. The chief executive may, at  
6 his discretion, use the registry information for local disaster  
7 preparedness only in coordination with other political subdivisions of  
8 the state.

9 3. Upon the establishment of a voluntary registry of ELDERLY OR disa-  
10 bled persons as provided in subdivision one of this section, at least  
11 semi-annually, each chief executive shall cause to be published in a  
12 newspaper of general circulation within the county a notice of the  
13 availability of the voluntary registration program.

14 4. All records, data, information, correspondence and communications  
15 relating to the registration of ELDERLY OR disabled persons as provided  
16 in subdivision one of this section are confidential, except that such  
17 information shall be available to other county chief executives for  
18 local disaster preparedness only as the chief executive of the county  
19 maintaining such registry deems necessary. Provided, however, the indi-  
20 vidual file of a person having registered with the registry of disabled  
21 persons shall be made available to that person upon request.

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

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

31 (B) THE SEAD SHALL BE MADE ACCESSIBLE TO ALL SUCH APPROPRIATE STATE  
32 AND COUNTY EMERGENCY RESPONSE PERSONNEL AND ORGANIZATIONS AS MAY BE  
33 DEEMED APPROPRIATE BY THE COMMISSION IN ORDER TO PROPERLY PLAN FOR  
34 SECURING THE NEEDS, SAFETY, AND WELL-BEING OF THE REGISTRANTS. THIS  
35 SHALL INCLUDE, BUT NOT BE LIMITED TO, PLANNING FOR EVACUATIONS, ASSESS-  
36 ING THE NEED FOR INDIVIDUAL EVACUATIONS DURING EMERGENCY SITUATIONS THAT  
37 MAY NOT REQUIRE THE EVACUATION OF THE GENERAL PUBLIC, PREPOSITIONING  
38 EQUIPMENT AND SUPPLIES, OR SUCH OTHER MEASURES AS THE COMMISSION DEEMS  
39 NECESSARY TO ACCOMPLISH THE OBJECTIVES OF THIS ARTICLE. IN ADDITION, THE  
40 SEAD SHALL BE MADE ACCESSIBLE TO ALL APPROPRIATE FEDERAL EMERGENCY  
41 RESPONSE ORGANIZATIONS AND SHALL BE MADE AVAILABLE TO SUCH OTHER VOLUN-  
42 TARY RELIEF ORGANIZATIONS AS THE COMMISSION DEEMS NECESSARY.

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

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

53 S 3. This act shall take effect immediately.