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

5534

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. MOLINARO, WALKER, CROUCH, RAIA, McKEVITT, FIELDS, FINCH, HAWLEY, ALFANO, TOBACCO, SCOZZAFAVA -- Multi-Sponsored by -- M. of A. BARCLAY, CALHOUN, DUPREY, GIGLIO, O'DONNELL, QUINN, SALADINO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to powers and duties of the disaster preparedness commission

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

Section 1. Subdivision 3 of section 21 of the executive law, as added by chapter 640 of the laws of 1978, paragraph c as amended by chapter 42 of the laws of 2004, paragraphs f, g, h, i and j as amended and paragraph k as added by chapter 171 of the laws of 2006, is amended to read as follows:

3. The commission shall have the following powers and responsibilities:

a. study all aspects of man-made or natural disaster prevention, response and recovery;

b. request and obtain from any state or local officer or agency any information necessary to the commission for the exercise of its responsibilities;

c. prepare state disaster preparedness plans, to be approved by the governor, and review such plans and report thereon by March thirty-first of each year to the governor, the legislature and the chief judge of the state. In preparing such plans, the commission shall consult with federal and local officials, emergency service organizations, INCLUDING BOTH VOLUNTEER AND COMMERCIAL EMERGENCY RESPONSE ORGANIZATIONS, and the public as it deems appropriate. To the extent such plans impact upon administration of the civil and criminal justice systems of the state, including their operational and fiscal needs in times of disaster emergency, the commission, its staff and any working group, task force, agency or other instrumentality to which it may delegate responsibility

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

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to assist it in its duties shall consult with the chief administrator of the courts and coordinate their preparation with him or her or with his or her representatives;

d. prepare, keep current and distribute to chief executives and others an inventory of programs directly relevant to prevention, minimization of damage, readiness, operations during disasters, and recovery following disasters;

e. direct state disaster operations and coordinate state disaster operations with local disaster operations following the declaration of a state disaster emergency;

f. unless it deems it unnecessary, create, following the declaration of a state disaster emergency, a temporary organization in the disaster area to provide for integration and coordination of efforts among the various federal, state, municipal and private agencies involved. The commission, upon a finding that a municipality is unable to manage local disaster operations, may, with the approval of the governor, direct the temporary organization to assume direction of the local disaster operations of such municipality, for a specified period of time, and in such cases such temporary organization shall assume direction of such local disaster operations, subject to the supervision of the commission. In such event, such temporary organization may utilize such municipality's local resources, provided, however, that the state shall not be liable for any expenses incurred in using such municipality's resources;

g. assist in the coordination of federal recovery efforts and coordinate recovery assistance by state and private agencies;

h. provide for periodic briefings, drills, exercises or other means to assure that all state personnel with direct responsibilities in the event of a disaster are fully familiar with response and recovery plans and the manner in which they shall carry out their responsibilities, and coordinate with federal, local or other state personnel. Such activities may take place on a regional or county basis, and local and federal participation shall be invited and encouraged;

i. submit to the governor, the legislature and the chief judge of the state by March thirty-first of each year an annual report which shall include but need not be limited to:

(1) a summary of commission and state agency activities for the year and plans for the ensuing year with respect to the duties and responsibilities of the commission;

(2) recommendations on ways to improve state and local capability to prevent, prepare for, respond to and recover from disasters;

(3) the status of the state and local plans for disaster preparedness and response, including the name of any locality which has failed or refused to develop and implement its own disaster preparedness plan and program;

(4) THE EXTENT TO WHICH ALL FORMS OF LOCAL EMERGENCY RESPONSE ASSETS HAVE BEEN INCLUDED AND ACCOUNTED FOR IN PLANNING AND PREPARATION FOR DISASTER RECOVERY;

j. coordinate and, to the extent possible and feasible, integrate commission activities, responsibilities and duties with those of the civil defense commission; and

k. develop public service announcements to be distributed to television and radio stations and other media throughout the state informing the public how to prepare and respond to disasters. Such public service announcements shall be distributed in English and such other languages as such commission deems appropriate.

S 2. This act shall take effect immediately.