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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT in relation to creating a state civil air patrol board

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

1 Section 1. Short title. This act shall be known and may be cited and
2 referred to as the "New York state civil air patrol act".
3 S 2. Declaration of purposes and findings. The legislature finds and
4 declares that by act of the eightieth congress (Public Law 557) the
5 civil air patrol was designated as the civilian auxiliary of the United
6 States air force; that the secretary of said air force was authorized to
7 direct the civil air patrol to perform certain non-combatant flying
8 missions in the interest of national defense and the public welfare;
9 that civil air patrol volunteers fly approximately seventy-eight percent
10 of the total hours and continental limits of the United States (and all
11 search and rescue missions in the state of New York); that in addition
12 to its search and rescue operations, ground observer corps missions, and
13 radar flight tests, the civil air patrol engages in missions involving
14 the patrol of forests, pipelines, flooded areas and other disaster
15 areas, and in the transportation of critical parts and supplies; that
16 the civil air patrol is engaged in the pre-flight training of fourteen
17 to eighteen year old boys and girls; that the New York wing of civil air
18 patrol has at its disposal hundreds of trained and licensed aeroplane
19 pilots and observers as well as hundreds of privately-owned and govern-
20 ment "on loan" aircraft, as well as communication facilities, power
21 plants and mobile equipment, together with a trained staff of communi-
22 cation personnel; that the services and equipment of the New York wing
23 of civil air patrol have been and are available for use by the state of
24 New York in missions assisting civil defense and any other mission in
25 the interest of the public safety, health and general welfare and should

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

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1 be utilized to their maximum extent; that the utilization of the trained
2 manpower and equipment of civil air patrol will provide the people of
3 the state of New York, at a nominal cost, with forest fire protection,
4 disaster relief service, guaranteed communications, air to ground and
5 ground to air, and aircraft emergency assistance for all state agen-
6 cies; that the maximum use by the state of New York of the facilities of
7 civil air patrol will encourage its cadet training program; that action
8 by the legislature to utilize the civil air patrol and its vast manpower
9 and equipment is declared to be necessary.

10 S 3. State civil air patrol board established. There is hereby created
11 and established in the state emergency management office in the execu-
12 tive department a state agency to be known as the New York state civil
13 air patrol board.

14 S 4. Organization. 1. The state civil air patrol board shall consist
15 of seven ex-officio members and three members appointed by the governor.
16 The ex-officio members shall be as follows: the director of the state
17 emergency management office, the adjutant general of the state of New
18 York, as an additional duty of his or her office; and five members of
19 the civil air patrol, New York wing, appointed by the director of the
20 state emergency management office and three other members shall be
21 appointed by the governor of New York state. The chair of the board
22 shall be ex-officio the wing commander of the New York wing of civil air
23 patrol. The members of said board appointed by the governor shall serve
24 for terms of two years from and after their appointment or until their
25 successors are duly appointed and qualified. The governor shall fill all
26 vacancies occurring in the appointive members of said board. The gover-
27 nor may, however, at his or her pleasure, remove any member of said
28 board appointed by him or her.

29 2. The members of the board shall serve without compensation.

30 3. The board shall employ such clerical, technical and supervisory
31 assistants as it deems necessary to carry out the provisions of this act
32 and to procure the most efficient use of the equipment and services of
33 the civil air patrol.

34 4. The board shall meet at such times as the chair may direct. If the
35 chair is unable to discharge the duties of his or her office, the vice-
36 chair shall discharge such duties. A majority of the members of the
37 board shall constitute a quorum.

38 S 5. Functions, powers and duties of the board. The state civil air
39 patrol board shall be authorized and empowered to:

40 1. Make such reasonable rules and regulations as may be necessary for
41 the proper operation of the said agency.

42 2. Cooperate with agencies established by or pursuant to laws of the
43 United States and of the state of New York to promote the state defense
44 effort and to provide to any state agency communications, rescue work,
45 mercy missions, aerial observation or any other function within the
46 scope and activity of the civil air patrol.

47 3. To have all other powers which may be reasonably implied from the
48 granting of express powers herein, together with such other powers as
49 may be incident to or necessary for the carrying out and the performance
50 of the powers and duties herein given to said board.

51 4. Report to the governor and to the legislature concerning its activ-
52 ities at least once a year and whenever requested.

53 S 6. This act shall take effect immediately.