

8981

2009-2010 Regular Sessions

I N A S S E M B L Y

June 17, 2009

Introduced by M. of A. BALL, WALKER, CROUCH, TEDISCO -- Multi-Sponsored
by -- M. of A. TOWNSEND -- read once and referred to the Committee on
Governmental Operations

AN ACT to amend the executive law, in relation to local disaster preparedness plans, requiring law enforcement agencies to report to the superintendent of state police suspected or perceived threats of the release of any chemical, biological or radiological agent and the energy transportation and storage security program, government continuity program, business continuity program, post disaster recovery program, energy security program, public security evacuation program, and disaster preparedness plan program, and establishing an endowed chair within the state university of New York for the study of terrorism and homeland security and making an appropriation therefor

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

1 Section 1. Paragraph a of subdivision 2 of section 20 of the executive
2 law, as amended by chapter 781 of the laws of 1988, is amended to read
3 as follows:
4 a. "disaster" means occurrence or imminent threat of wide spread or
5 severe damage, injury, or loss of life or property resulting from any
6 natural or man-made causes, including, but not limited to, fire, flood,
7 earthquake, hurricane, tornado, high water, landslide, mudslide, wind,
8 storm, wave action, volcanic activity, epidemic, air contamination,
9 blight, drought, infestation, explosion, radiological accident, water
10 contamination, ACT OF TERRORISM INCLUDING BIOLOGICAL, CHEMICAL OR RADIO-
11 LOGICAL TERRORISM, bridge failure or bridge collapse.
12 S 2. Subdivision 6 of section 23 of the executive law, as added by
13 chapter 640 of the laws of 1978, is amended to read as follows:
14 6. All plans for disaster preparedness developed by local governments
15 or any revisions thereto shall COMPLY WITH THE NATIONAL INCIDENT MANAGE-
16 MENT SYSTEM (NIMS) AND be submitted to the commission by December thir-

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

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1 ty-first of each year to facilitate state coordination of disaster oper-
2 ations.

3 S 3. Subparagraph 4 of paragraph a of subdivision 7 of section 23 of
4 the executive law, as added by chapter 640 of the laws of 1978, is
5 amended and eight new subparagraphs 5, 6, 7, 8, 9, 10, 11 and 12 are
6 added to read as follows:

7 (4) such other measures as reasonably can be taken to prevent disas-
8 ters or mitigate their impact[.];

9 (5) A ROSTER OF VOLUNTEER MEDICAL PERSONNEL IN THE COUNTY WHO WOULD BE
10 AVAILABLE TO RESPOND TO DISASTERS AND HAVE A PROCEDURE TO COORDINATE
11 SUCH VOLUNTEERS;

12 (6) ASSESSMENT AS TO THE EXTENT OF EACH COUNTY'S HEALTHCARE INFRAS-
13 TRUCTURE WHICH INCLUDES THE AMOUNT OF HOSPITAL BEDS, DOCTOR'S OFFICES
14 AND EMERGENCY HEALTH SERVICES AVAILABLE TO A DISASTER AREA;

15 (7) DEVELOPMENT OF A SYSTEM FOR COLLECTING DISEASE OR EXPOSURE DATA
16 IMMEDIATELY AS A RESULT OF A DISASTER;

17 (8) IDENTIFICATION OF A LOCAL STOCKPILE OF PHARMACEUTICALS AVAILABLE
18 IN THE COUNTY, IF AVAILABLE, AND IDENTIFY HOW TO INTEGRATE STATE AND
19 FEDERAL STOCKPILES INTO THE LOCAL SUPPLY;

20 (9) IDENTIFICATION AND COORDINATION OF THE EMERGENCY SERVICES ORGAN-
21 IZATIONS TO BE USED FOLLOWING A DISASTER;

22 (10) DESIGNATING A COUNTY HEALTH OFFICIAL AS THE HEALTH RISK COMMU-
23 NICATOR;

24 (11) CREATION OF DRILLS TO BE USED TO TEST SUCH PLANS; AND

25 (12) ASSESSMENT AS TO THE PLANNING FOR AND IMPLEMENTATION OF THE
26 NATIONAL INCIDENT MANAGEMENT SYSTEM.

27 S 4. The executive law is amended by adding a new section 221-e to
28 read as follows:

29 S 221-E. REPORTING THREATS CONCERNING ACTUAL, SUSPECTED OR PERCEIVED
30 CHEMICAL, BIOLOGICAL OR RADIOLOGICAL AGENTS. EVERY LAW ENFORCEMENT AGEN-
31 CY WHICH RECEIVES A REPORT OF A SUSPECTED OR PERCEIVED THREAT OR INCI-
32 DENT RELATING TO THE RELEASE OF ANTHRAX OR ANY OTHER SUSPECTED OR
33 PERCEIVED CHEMICAL, BIOLOGICAL OR RADIOLOGICAL AGENT SHALL, IMMEDIATELY
34 AFTER RECEIVING SUCH REPORT, NOTIFY THE SUPERINTENDENT OF STATE POLICE
35 OF SUCH REPORT VIA THE NEW YORK STATEWIDE POLICE INFORMATION NETWORK OR
36 BY SUCH OTHER MEANS AS SHALL BE DESIGNATED BY SUCH SUPERINTENDENT.

37 S 5. The executive law is amended by adding eight new sections 716,
38 717, 718, 719, 720, 721, 722 and 723 to read as follows:

39 S 716. ENERGY TRANSPORTATION AND STORAGE SECURITY PROGRAM. THE NEW
40 YORK STATE OFFICE OF HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN
41 INVESTIGATION AND STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK
42 STATE ENERGY TRANSPORTATION AND STORAGE SECURITY PROGRAM. SUCH INVESTI-
43 GATION AND STUDY SHALL BE COMPLETED ON OR BEFORE DECEMBER THIRTY-FIRST,
44 TWO THOUSAND TEN. WITHIN NINETY DAYS OF THE COMPLETION OF SUCH INVESTI-
45 GATION AND STUDY, THE NEW YORK STATE OFFICE OF HOMELAND SECURITY SHALL
46 COMPLETE AND DELIVER, TO THE CHAIR OF THE SENATE COMMITTEE ON VETERANS,
47 HOMELAND SECURITY AND MILITARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY
48 COMMITTEE ON GOVERNMENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND
49 STUDY, CONTAINING RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISH-
50 MENT OF A NEW YORK STATE ENERGY TRANSPORTATION AND STORAGE SECURITY
51 PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE WHAT MEASURES NEED TO BE
52 TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A PROGRAM, WHAT LAWS SHOULD BE
53 AMENDED OR ADDED TO ESTABLISH SUCH A PROGRAM, AND WHAT FISCAL RESOURCES
54 WOULD NEED TO BE APPROPRIATED AND EXPENDED, IF ANY, TO ESTABLISH SUCH A
55 PROGRAM.

1 S 717. GOVERNMENT CONTINUITY PROGRAM. THE NEW YORK STATE OFFICE OF
2 HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND
3 STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE GOVERNMENT
4 CONTINUITY PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON
5 OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TEN. WITHIN NINETY DAYS OF
6 THE COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK STATE
7 OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE CHAIR OF
8 THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILI-
9 TARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERN-
10 MENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY, CONTAINING
11 RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A NEW YORK
12 STATE GOVERNMENT CONTINUITY PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE
13 WHAT MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A
14 PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH SUCH A
15 PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED AND
16 EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

17 S 718. BUSINESS CONTINUITY PROGRAM. THE NEW YORK STATE OFFICE OF HOME-
18 LAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND STUDY
19 ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE BUSINESS CONTINUI-
20 TY PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON OR BEFORE
21 DECEMBER THIRTY-FIRST, TWO THOUSAND TEN. WITHIN NINETY DAYS OF THE
22 COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK STATE OFFICE OF
23 HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE CHAIR OF THE SENATE
24 STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS
25 AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPER-
26 ATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY, CONTAINING RECOMMENDA-
27 TIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A NEW YORK STATE BUSI-
28 NESS CONTINUITY PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE WHAT
29 MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A PROGRAM,
30 WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH SUCH A PROGRAM, AND
31 WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED AND EXPENDED, IF
32 ANY, TO ESTABLISH SUCH A PROGRAM.

33 S 719. POST DISASTER RECOVERY PROGRAM. THE NEW YORK STATE OFFICE OF
34 HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND
35 STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE POST DISAS-
36 TER RECOVERY PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON
37 OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TEN. WITHIN NINETY DAYS OF
38 THE COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK STATE
39 OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE CHAIR OF
40 THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILI-
41 TARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERN-
42 MENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY, CONTAINING
43 RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A NEW YORK
44 STATE POST DISASTER RECOVERY PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE
45 WHAT MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A
46 PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH SUCH A
47 PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED AND
48 EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

49 S 720. ENERGY SECURITY PROGRAM. THE NEW YORK STATE OFFICE OF HOMELAND
50 SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND STUDY ON THE
51 ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE ENERGY SECURITY PROGRAM.
52 SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON OR BEFORE DECEMBER
53 THIRTY-FIRST, TWO THOUSAND TEN. WITHIN NINETY DAYS OF THE COMPLETION OF
54 SUCH INVESTIGATION AND STUDY, THE NEW YORK STATE OFFICE OF HOMELAND
55 SECURITY SHALL COMPLETE AND DELIVER, TO THE CHAIR OF THE SENATE STANDING
56 COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS AND THE

1 CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, A
2 REPORT ON SUCH INVESTIGATION AND STUDY, CONTAINING RECOMMENDATIONS TO
3 THE LEGISLATURE ON THE ESTABLISHMENT OF A NEW YORK STATE ENERGY SECURITY
4 PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE WHAT MEASURES NEED TO BE
5 TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A PROGRAM, WHAT LAWS SHOULD BE
6 AMENDED OR ADDED TO ESTABLISH SUCH A PROGRAM, AND WHAT FISCAL RESOURCES
7 WOULD NEED TO BE APPROPRIATED AND EXPENDED, IF ANY, TO ESTABLISH SUCH A
8 PROGRAM.

9 S 721. PUBLIC SECURITY EVACUATION PROGRAM. THE NEW YORK STATE OFFICE
10 OF HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND
11 STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE PUBLIC SECU-
12 RITY EVACUATION PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED
13 ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TEN. WITHIN NINETY DAYS
14 OF THE COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK STATE
15 OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE CHAIR OF
16 THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILI-
17 TARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERN-
18 MENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY, CONTAINING
19 RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A NEW YORK
20 STATE PUBLIC SECURITY EVACUATION PROGRAM. SUCH RECOMMENDATIONS SHALL
21 INCLUDE WHAT MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTABLISH
22 SUCH A PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH SUCH A
23 PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED AND
24 EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

25 S 722. DISASTER PREPAREDNESS PLAN PROGRAM. THE NEW YORK STATE OFFICE
26 OF HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND
27 STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE DISASTER
28 PREPAREDNESS PLAN PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE
29 COMPLETED ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TEN. WITHIN
30 NINETY DAYS OF THE COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW
31 YORK STATE OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO
32 THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURI-
33 TY AND MILITARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE
34 ON GOVERNMENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY,
35 CONTAINING RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A
36 NEW YORK STATE DISASTER PREPAREDNESS PLAN PROGRAM. SUCH RECOMMENDATIONS
37 SHALL INCLUDE WHAT MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTAB-
38 LISH SUCH A PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH
39 SUCH A PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED
40 AND EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

41 S 723. ACADEMIC CHAIR FOR THE STUDY OF TERRORISM AND HOMELAND SECURI-
42 TY. 1. DECLARATION OF LEGISLATIVE FINDINGS AND INTENT. TERRORISM HAS
43 EMERGED AS THE MORTAL ENEMY OF DEMOCRATIC INSTITUTIONS WORLDWIDE AND IT
44 INFECTS AND DISTORTS WORLD SECURITY, COMMERCE AND FREEDOM. IT HAS FORGED
45 UNHOLY ALLIANCES WITH CRIMINAL ORGANIZATIONS AND LINKS TO OUTLAW STATES.
46 IT IS RUTHLESS, INHUMAN AND DEADLY, DEMONSTRATING A CONTEMPT FOR THE
47 BASIC VALUE OF HUMAN LIFE AND CIVILIZATION.

48 WITH THE INTERNATIONALIZATION OF TERRORISM, THE CHALLENGE POSED TO OUR
49 MILITARY, LAW ENFORCEMENT AND GENERAL SOCIETY HAS GROWN EXPONENTIALLY.
50 THE STRATEGIES AND TACTICS DEVELOPED TO COMBAT TERRORISM ARE DYNAMIC AND
51 EVER CHANGING, REQUIRING A THOUGHTFUL AND REGULAR STUDY, EXAMINATION AND
52 REVIEW, IN ORDER TO BUILD THE CAPABILITIES NEEDED TO MEET THIS ONGOING
53 CHALLENGE. WE MUST DEVELOP THE MILITARY, LEGAL AND STRATEGIC FRAMEWORKS
54 WITH WHICH THOSE CHARGED WITH FIGHTING THE WAR ON TERROR MAY EFFECTIVELY
55 DEPLOY. THIS IS A MATTER OF THE GREATEST URGENCY. WE DO NOT HAVE THE
56 LUXURY OF TAKING TIME TO ANALYZE AND STUDY. WE ARE ALREADY IN A MORTAL

1 CONFRONTATION THAT THREATENS PEACE, PROSPERITY AND PUBLIC CONFIDENCE.
2 WE MUST PROTECT OUR PEOPLE AND OUR INSTITUTIONS.

3 ONCE AGAIN, NEW YORK WILL EXERCISE LEADERSHIP BY CREATING AN ENDOWED
4 CHAIR IN TERRORISM AND HOMELAND SECURITY WITHIN THE STATE UNIVERSITY OF
5 NEW YORK. THIS INSTITUTION WILL PROVIDE A FORUM FOR STUDY AND DELIBER-
6 ATION ON THE DEFEAT OF TERRORISM AND THE PROMOTION OF HOMELAND SECURITY
7 WITH THE GOAL OF CONTRIBUTING TO THE DEVELOPMENT OF STRATEGIES AND
8 SOLUTIONS.

9 2. ACADEMIC CHAIR TO STUDY TERRORISM AND HOMELAND SECURITY. THERE IS
10 HEREBY ESTABLISHED WITHIN THE STATE UNIVERSITY OF NEW YORK, AN ACADEMIC
11 CHAIR TO STUDY TERRORISM AND HOMELAND SECURITY. SUCH CHAIR SHALL ORGAN-
12 IZE CONFERENCES AND SEMINARS, DEVELOP TRAINING PROGRAMS FOR LAW ENFORCE-
13 MENT OFFICERS, PUBLISH ITS PROCEEDINGS AND MAINTAIN A LIBRARY. THE CHAN-
14 CELLOR AND TRUSTEES OF THE STATE UNIVERSITY SHALL APPOINT A PERSON WELL
15 QUALIFIED BY EDUCATION AND EXPERIENCE TO ADMINISTER THE PROGRAM OF SUCH
16 CHAIR. SUCH CHAIR SHALL BE AUTHORIZED TO ESTABLISH A DEVELOPMENT PROGRAM
17 TO BUILD ITS OWN ENDOWMENT.

18 S 6. The sum of three hundred fifty thousand dollars (\$350,000), or so
19 much thereof as may be necessary, is hereby appropriated to the state
20 university of New York from any moneys in the state treasury in the
21 general fund to the credit of the state purposes account not otherwise
22 appropriated for the purposes of carrying out the provisions of section
23 723 of the executive law, as added by section five of of this act. Such
24 sum shall be payable on the audit and warrant of the state comptroller
25 on vouchers certified or approved by the commissioner of education, or
26 his or her duly designated representative in the manner provided by law.
27 No expenditure shall be made from this appropriation until a certificate
28 of approval of availability shall have been issued by the director of
29 the budget and filed with the state comptroller and a copy filed with
30 the chairman of the senate finance committee and the chairman of the
31 assembly ways and means committee. Such certificate may be amended from
32 time to time by the director of the budget and a copy of each such
33 amendment shall be filed with the state comptroller, the chairman of the
34 senate finance committee and the chairman of the assembly ways and means
35 committee.

36 S 7. This act shall take effect immediately, except that sections one,
37 two and three of this act shall take effect on the first of June next
38 succeeding the date on which this act shall have become a law.