

5926

2009-2010 Regular Sessions

I N S E N A T E

June 18, 2009

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to requiring counties to maintain a registry of people of all ages with disabilities for evacuation and sheltering during disasters

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

1 Section 1. Section 23-a of the executive law, as added by chapter 658
2 of the laws of 1996, is amended to read as follows:
3 S 23-a. County registry of [disabled persons] PEOPLE OF ALL AGES WITH
4 DISABILITIES, AS THAT TERM IS DEFINED IN SUBDIVISION TWENTY-ONE OF
5 SECTION TWO HUNDRED NINETY-TWO OF THIS CHAPTER; notice. 1. In each
6 county having a local disaster preparedness plan pursuant to section
7 twenty-three of this article, in order to meet the special needs of
8 persons OF ALL AGES WITH DISABILITIES who would need assistance during
9 evacuations and sheltering because of physical or mental [handicaps]
10 DISABILITIES, it [is recommended] SHALL BE REQUIRED that each chief
11 executive maintain a registry of [disabled persons] PEOPLE OF ALL AGES
12 WITH DISABILITIES located within the county. PEOPLE OF ALL AGES WITH
13 DISABILITIES SHALL BE GIVEN THE OPTION NOT TO BE INCLUDED IN THE REGIS-
14 TRY. The registration shall identify those persons in need of assistance
15 and plan for resource allocation to meet those identified needs. To
16 assist the chief executive in identifying such persons, the county
17 department of health, THE COUNTY DEPARTMENT OF SOCIAL SERVICES, THE
18 COUNTY DEPARTMENT OF MENTAL HEALTH, or such other county department or
19 agency as designated by the chief executive, shall provide [voluntary]
20 registration information to all of its [special needs] clients OF ALL
21 AGES WITH DISABILITIES and to all incoming clients as part of the intake
22 process. The registry shall be updated annually. The registration
23 program shall give [disabled persons] SUCH PEOPLE OF ALL AGES WITH DISA-
24 BILITIES the option of pre-authorizing emergency response personnel to

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

LBD03314-01-9

1 enter their homes during search and rescue operations if necessary to
2 assure their safety and welfare during disasters.

3 2. Upon the establishment of a [voluntary] registry of [disabled
4 persons] PEOPLE OF ALL AGES WITH DISABILITIES as provided in subdivision
5 one of this section, the chief executive shall make such registry avail-
6 able to the appropriate county, state and federal agencies for their use
7 in delivering services in the event of a local or state disaster. The
8 chief executive shall[, upon the request of the state emergency manage-
9 ment office,] provide such registry information to [such] THE STATE
10 EMERGENCY MANAGEMENT office. The chief executive may, at his discretion,
11 use the registry information for local disaster preparedness only in
12 coordination with other political subdivisions of the state.

13 3. Upon the establishment of a [voluntary] registry of [disabled
14 persons] PEOPLE OF ALL AGES WITH DISABILITIES as provided in subdivision
15 one of this section, at least semi-annually, each chief executive shall
16 cause to be published in a newspaper of general circulation within the
17 county a notice of the availability of the [voluntary] registration
18 program.

19 4. All records, data, information, correspondence and communications
20 relating to the registration of [disabled persons] PEOPLE OF ALL AGES
21 WITH DISABILITIES as provided in subdivision one of this section are
22 confidential, except that such information shall be available to other
23 county chief executives for local disaster preparedness only as the
24 chief executive of the county maintaining such registry deems necessary.
25 Provided, however, the individual file of a person having registered
26 with the registry of [disabled persons] PEOPLE OF ALL AGES WITH DISABIL-
27 ITIES shall be made available to that person upon request.

28 5. All community-based services providers, including home health care
29 providers, shall assist the chief executive by collecting registration
30 information for people with special needs as part of program intake
31 processes, establishing programs to increase the awareness of the regis-
32 tration process, and educating clients about the procedures that may be
33 necessary for their safety during disasters.

34 6. A county shall not be liable for any claim based upon the REASON-
35 ABLE, good faith exercise or performance or the REASONABLE, good faith
36 failure to exercise or perform a function or duty on the part of any
37 officer or employee in carrying out a local disaster preparedness plan.

38 S 2. This act shall take effect on the first of January next succeed-
39 ing the date on which it shall have become a law.