

7257

2011-2012 Regular Sessions

I N   A S S E M B L Y

April 21, 2011

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Introduced by M. of A. CUSICK, DESTITO, MARKEY, PEOPLES-STOKES, BENEDETTO, PHEFFER, McENENY, P. RIVERA, SPANO, KAVANAGH -- Multi-Sponsored by -- M. of A. TITONE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring counties to maintain a confidential 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] CONFIDENTIAL COUNTY registry of [disabled persons]  
4 PEOPLE OF ALL AGES WITH DISABILITIES, AS THAT TERM IS DEFINED IN SUBDI-  
5 VISION TWENTY-ONE OF SECTION TWO HUNDRED NINETY-TWO OF THIS CHAPTER;  
6 notice. 1. In each county having a local disaster preparedness plan  
7 pursuant to section twenty-three of this article, in order to meet the  
8 special needs of persons OF ALL AGES WITH DISABILITIES who would need  
9 assistance during evacuations and sheltering because of physical or  
10 mental [handicaps] DISABILITIES, it [is recommended] SHALL BE REQUIRED  
11 that each chief executive maintain a registry of [disabled persons]  
12 PEOPLE OF ALL AGES WITH DISABILITIES located within the county. PEOPLE  
13 OF ALL AGES WITH DISABILITIES SHALL BE GIVEN THE OPTION NOT TO BE  
14 INCLUDED IN THE REGISTRY. The registration shall identify those persons  
15 in need of assistance and plan for resource allocation to meet those  
16 identified needs. To assist the chief executive in identifying such  
17 persons, the county department of health, THE COUNTY DEPARTMENT OF  
18 SOCIAL SERVICES, THE COUNTY DEPARTMENT OF MENTAL HEALTH, or such other  
19 county department or agency as designated by the chief executive, shall  
20 provide [voluntary] registration information to all of its [special  
21 needs] clients OF ALL AGES WITH DISABILITIES and to all incoming clients  
22 as part of the intake process. The registry shall be updated annually.

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

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1 The registration program shall give [disabled persons] SUCH PEOPLE OF  
2 ALL AGES WITH DISABILITIES the option of pre-authorizing emergency  
3 response personnel to enter their homes during search and rescue oper-  
4 ations if necessary to assure their safety and welfare during disasters.

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

15 3. Upon the establishment of a [voluntary] registry of [disabled  
16 persons] PEOPLE OF ALL AGES WITH DISABILITIES as provided in subdivision  
17 one of this section, at least semi-annually, each chief executive shall  
18 cause to be published in a newspaper of general circulation within the  
19 county a notice of the availability of the [voluntary] registration  
20 program AND EACH CHIEF EXECUTIVE SHALL ALSO PROVIDE INFORMATION IN  
21 REGARD TO THE REGISTRATION PROGRAM TO OTHER FORMS OF MEDIA, INCLUDING,  
22 BUT NOT LIMITED TO, ELECTRONIC MEDIA.

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

32 5. All community-based services providers, including home health care  
33 providers, shall assist the chief executive by collecting registration  
34 information for people [with special needs] OF ALL AGES WITH DISABILI-  
35 TIES as part of program intake processes, establishing programs to  
36 increase the awareness of the registration process, and educating  
37 [clients] CONSUMERS about the procedures that may be necessary for their  
38 safety during disasters.

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

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