

1126

2011-2012 Regular Sessions

I N   S E N A T E

January 5, 2011

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Introduced by Sens. PARKER, ADAMS, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

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-

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

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1 BILITIES the option of pre-authorizing emergency response personnel to  
2 enter their homes during search and rescue operations if necessary to  
3 assure their safety and welfare during disasters.

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

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

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

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

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

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