

5307

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. BALL -- 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 additional standards and requirements for evacuation plans for disaster-related emergencies

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

- 1 Section 1. Section 23 of the executive law, as amended by section 4 of
2 part B of chapter 56 of the laws of 2010, is amended to read as follows:
3 S 23. Local comprehensive emergency management plans. 1. Each county,
4 except those contained within the city of New York, and each city, town
5 and village is authorized to prepare comprehensive emergency management
6 plans. The disaster preparedness commission shall provide assistance and
7 advice for the development of such plans. City, town and village plans
8 shall be coordinated with the county plan.
9 2. The purpose of such plans shall be to minimize the effect of disasters by (i) identifying appropriate local measures to prevent disasters,
10 (ii) developing mechanisms to coordinate the use of local resources and
11 manpower for service during and after disasters and the delivery of
12 services to aid citizens and reduce human suffering resulting from a
13 disaster, and (iii) providing for recovery and redevelopment after
14 disasters.
15 3. Plans for coordination of resources, manpower and services shall
16 provide for a centralized coordination and direction of requests for
17 assistance.
18 4. Plans for coordination of assistance shall provide for utilization
19 of existing organizations and lines of authority.
20 5. In preparing such plans, cooperation, advice and assistance shall
21 be sought from local government officials, regional and local planning
22 agencies, police agencies, fire departments and fire companies, local
23 emergency management agencies, commercial and volunteer ambulance
24

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

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1 services, health and social services officials AND ORGANIZATIONS, commu-
2 nity action agencies, the chief administrator of the courts, organiza-
3 tions for the elderly and [the handicapped,] PEOPLE OF ALL AGES WITH
4 DISABILITIES, CHILDCARE ORGANIZATIONS, TRANSPORTATION ORGANIZATIONS,
5 TELECOMMUNICATIONS ORGANIZATIONS AND RELEVANT STATE AND LOCAL PUBLIC
6 AUTHORITIES, other interested groups and the general public. Such advice
7 and assistance may be obtained through public hearings held on public
8 notice, or through other appropriate methods.

9 6. IN THE EVENT THAT ANY PART OF A COUNTY'S DISASTER PREPAREDNESS
10 EVACUATION PLAN IS NOT CONSISTENT WITH A NEIGHBORING COUNTY'S DISASTER
11 PREPAREDNESS EVACUATION PLAN, THE COMMISSION SHALL WORK WITH THE COUN-
12 TIES TO RESOLVE SUCH INCONSISTENCIES.

13 7. All plans for comprehensive emergency management developed by local
14 governments or any revisions thereto shall be submitted to the commis-
15 sion by December thirty-first of each year to facilitate state coordi-
16 nation of disaster operations.

17 [7.] 8. Such plans shall include, but not be limited to:

18 a. Disaster prevention and mitigation. Plans to prevent and minimize
19 the effects of disasters shall include, but not be limited to:

20 (1) identification of hazards and assessment of risk;

21 (2) recommended disaster prevention and mitigation projects, policies,
22 priorities and programs, with suggested implementation schedules, which
23 outline federal, state and local roles;

24 (3) suggested revisions and additions to building and safety codes and
25 zoning and other land use programs;

26 (4) such other measures as reasonably can be taken to protect lives,
27 prevent disasters, and reduce their impact.

28 b. Disaster response. Plans to coordinate the use of resources and
29 manpower for service during and after disasters and to deliver services
30 to aid citizens and reduce human suffering resulting from a disaster
31 shall include, but not be limited to:

32 (1) coordination of resources, manpower and services, using recognized
33 practices in incident management, utilizing existing organizations and
34 lines of authority and centralized direction of requests for assistance;

35 (2) the location, procurement, construction, processing, transporta-
36 tion, storing, maintenance, renovation, distribution, disposal or use of
37 materials, including those donated, and facilities and services which
38 may be required in time of disaster;

39 (3) a system for warning populations who are or may be endangered;

40 (4) arrangements for activating municipal and volunteer forces,
41 through normal chains of command so far as possible, and for continued
42 communication and reporting;

43 (5) a specific plan for rapid and efficient communication and for the
44 integration of local communication facilities during a disaster includ-
45 ing the assignment of responsibilities and the establishment of communi-
46 cation priorities and liaison with municipal, private, state and federal
47 communication facilities;

48 (6) a plan for coordination evacuation procedures including the estab-
49 lishment of temporary housing and other necessary facilities;

50 (7) criteria for establishing priorities with respect to the restora-
51 tion of vital services and debris removal;

52 (8) plans for the continued effective operation of the civil and crim-
53 inal justice systems;

54 (9) provisions for training local government personnel and volunteers
55 in disaster response operations;

56 (10) providing information to the public;

1 (11) care for the injured and needy and identification and disposition
2 of the dead;
3 (12) utilization and coordination of programs to assist victims of
4 disasters, with particular attention to the needs of the poor, the
5 elderly, individuals with disabilities and other groups which may be
6 especially affected;
7 (13) control of ingress and egress to and from a disaster area;
8 (14) arrangements to administer state and federal disaster assistance;
9 (15) procedures under which the county, city, town, village or other
10 political subdivision and emergency organization personnel and resources
11 will be used in the event of a disaster;
12 (16) a system for obtaining and coordinating disaster information
13 including the centralized assessment of local disaster effects and
14 resultant needs;
15 (17) continued operation of governments of political subdivisions; and
16 (18) utilization and coordination of programs to assist individuals
17 with household pets and service animals following a disaster, with
18 particular attention to means of evacuation, shelter and transportation
19 options.
20 c. Recovery. Local plans to provide for recovery and redevelopment
21 after disasters shall include, but not be limited to:
22 (1) recommendations for replacement, reconstruction, removal or relo-
23 cation of damaged or destroyed public or private facilities, proposed
24 new or amendments to zoning, subdivision, building, sanitary or fire
25 prevention regulations and recommendations for economic development and
26 community development in order to minimize the impact of any potential
27 future disasters on the community.
28 (2) provision for cooperation with state and federal agencies in
29 recovery efforts.
30 (3) provisions for training and educating local disaster officials or
31 organizations in the preparation of applications for federal and state
32 disaster recovery assistance.
33 9. THE COMMISSION SHALL ANNUALLY REVIEW ALL DISASTER PREPAREDNESS
34 PLANS TO MAKE SURE THAT SUCH PLANS CONFORM WITH ALL OF THE PROVISIONS OF
35 THIS ARTICLE.
36 S 2. If any item, clause, sentence, subparagraph, subdivision,
37 section, or any other part of this act, or the application thereof to
38 any person or circumstances, is held to be invalid, such holding shall
39 not affect, impair, or invalidate the remainder of this act, of the
40 application of such section or part of a section held invalid, to any
41 other person or circumstances, but shall be confined in its operation to
42 the item, clause, sentence, subparagraph, subdivision, section, or other
43 part of this act directly involved in such holding, or to the person and
44 circumstances therein involved.
45 S 3. This act shall take effect immediately.