

6194

2013-2014 Regular Sessions

I N A S S E M B L Y

March 15, 2013

Introduced by M. of A. TEDISCO, MONTESANO -- Multi-Sponsored by -- M. of  
A. TENNEY -- read once and referred to the Committee on Governmental  
Operations

AN ACT to amend the executive law, in relation to adding elderly persons  
to disaster preparedness registries and creating a state emergency  
assistance database

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

1 Section 1. The section heading and subdivisions 1, 2, 3 and 4 of  
2 section 23-a of the executive law, as added by chapter 658 of the laws  
3 of 1996, are amended to read as follows:  
4 County registry of ELDERLY OR disabled persons; notice. 1. In each  
5 county having a local disaster preparedness plan pursuant to section  
6 twenty-three of this article, in order to meet the special needs of  
7 persons who would need assistance during evacuations OR OTHER EMERGENCY  
8 SITUATIONS and sheltering because of physical or mental handicaps, [it  
9 is recommended that] OR WHOSE ABILITY TO CARE FOR THEMSELVES DURING AN  
10 EMERGENCY SITUATION IS ADVERSELY AFFECTED BY ADVANCED AGE, OR PERMANENT  
11 OR TEMPORARY MEDICAL CONDITION, each chief executive SHALL maintain a  
12 registry of ELDERLY OR disabled persons located within the county. The  
13 registration shall identify those persons in need of assistance and plan  
14 for resource allocation to meet those identified needs. To assist the  
15 chief executive in identifying such persons, the county department of  
16 health, or such other county department or agency as designated by the  
17 chief executive, shall provide voluntary registration information to all  
18 of its special needs clients and to all incoming clients as part of the  
19 intake process. The registry shall be updated annually AT A MINIMUM.  
20 The registration program shall give ELDERLY OR disabled persons the  
21 option of pre-authorizing emergency response personnel to enter their  
22 homes during search and rescue operations if necessary to assure their  
23 safety and welfare during disasters.  
24 2. Upon the establishment of a voluntary registry of ELDERLY OR disa-  
25 bled persons as provided in subdivision one of this section, the chief  
26 executive shall make such registry available to the appropriate county,

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

1 state and federal agencies for their use in delivering services in the  
2 event of a local or state disaster. The chief executive shall[, upon the  
3 request of the state emergency management office,] provide such registry  
4 information to [such office] THE STATE EMERGENCY MANAGEMENT OFFICE,  
5 INCLUDING ALL ANNUAL UPDATES TO SUCH REGISTRY INFORMATION, FOR PLACEMENT  
6 IN THE STATE EMERGENCY ASSISTANCE DATABASE. The chief executive may, at  
7 his discretion, use the registry information for local disaster  
8 preparedness only in coordination with other political subdivisions of  
9 the state.

10 3. Upon the establishment of a voluntary registry of ELDERLY OR disa-  
11 bled persons as provided in subdivision one of this section, at least  
12 semi-annually, each chief executive shall cause to be published in a  
13 newspaper of general circulation within the county a notice of the  
14 availability of the voluntary registration program.

15 4. All records, data, information, correspondence and communications  
16 relating to the registration of ELDERLY OR disabled persons as provided  
17 in subdivision one of this section are confidential, except that such  
18 information shall be available to other county chief executives for  
19 local disaster preparedness only as the chief executive of the county  
20 maintaining such registry deems necessary. Provided, however, the indi-  
21 vidual file of a person having registered with the registry of disabled  
22 persons shall be made available to that person upon request.

23 S 2. Section 23-a of the executive law is amended by adding a new  
24 subdivision 7 to read as follows:

25 7. (A) THE COMMISSION SHALL ESTABLISH THE STATE EMERGENCY ASSISTANCE  
26 DATABASE (SEAD). THE SEAD SHALL BE A COMPREHENSIVE LISTING OF ALL  
27 PERSONS LOCATED IN THE STATE, WHO HAVE VOLUNTARILY REQUESTED PLACEMENT  
28 ON ANY COUNTY REGISTRY OF ELDERLY OR DISABLED PERSONS AS ESTABLISHED  
29 PURSUANT TO THIS SECTION, AND IN ADDITION SHALL ACCEPT VOLUNTARY REGIS-  
30 TRANTS DIRECTLY AS NEEDED, AT WHICH TIME SUCH REGISTRATION INFORMATION  
31 COLLECTED SHALL BE FORWARDED TO THE APPROPRIATE COUNTY REGISTRY.

32 (B) THE SEAD SHALL BE MADE ACCESSIBLE TO ALL SUCH APPROPRIATE STATE  
33 AND COUNTY EMERGENCY RESPONSE PERSONNEL AND ORGANIZATIONS AS MAY BE  
34 DEEMED APPROPRIATE BY THE COMMISSION IN ORDER TO PROPERLY PLAN FOR  
35 SECURING THE NEEDS, SAFETY, AND WELL-BEING OF THE REGISTRANTS. THIS  
36 SHALL INCLUDE, BUT NOT BE LIMITED TO, PLANNING FOR EVACUATIONS, ASSESS-  
37 ING THE NEED FOR INDIVIDUAL EVACUATIONS DURING EMERGENCY SITUATIONS THAT  
38 MAY NOT REQUIRE THE EVACUATION OF THE GENERAL PUBLIC, PREPOSITIONING  
39 EQUIPMENT AND SUPPLIES, OR SUCH OTHER MEASURES AS THE COMMISSION DEEMS  
40 NECESSARY TO ACCOMPLISH THE OBJECTIVES OF THIS ARTICLE. IN ADDITION, THE  
41 SEAD SHALL BE MADE ACCESSIBLE TO ALL APPROPRIATE FEDERAL EMERGENCY  
42 RESPONSE ORGANIZATIONS AND SHALL BE MADE AVAILABLE TO SUCH OTHER VOLUN-  
43 TARY RELIEF ORGANIZATIONS AS THE COMMISSION DEEMS NECESSARY.

44 (C) ALL RECORDS, DATA, INFORMATION, CORRESPONDENCE AND COMMUNICATIONS  
45 RELATING TO THE SEAD SHALL BE CONFIDENTIAL, EXCEPT THAT SUCH INFORMATION  
46 MAY BE MADE AVAILABLE AT THE DISCRETION OF THE COMMISSION IN FURTHERANCE  
47 OF THE OBJECTIVES OF THIS ARTICLE. THE INDIVIDUAL FILE OF A PERSON  
48 HAVING REGISTERED WITH THE SEAD SHALL BE MADE AVAILABLE TO THAT PERSON  
49 UPON REQUEST.

50 (D) THE COMMISSION SHALL NOT BE LIABLE FOR ANY CLAIM BASED UPON THE  
51 GOOD FAITH EXERCISE OR PERFORMANCE OR THE GOOD FAITH FAILURE TO EXERCISE  
52 OR PERFORM A FUNCTION OR DUTY ON THE PART OF ANY OFFICER OR EMPLOYEE IN  
53 THE MAINTENANCE OR USAGE OF THE SEAD.

54 S 3. This act shall take effect immediately.