

1 S 58-a. Requirements for provisional or permanent appointment of
2 certain fire fighters. 1. Notwithstanding any other provision of this
3 law or any general, special or local law to the contrary, no person
4 shall be eligible for provisional or permanent appointment in the
5 competitive class of the civil service as a fire fighter unless he OR
6 SHE shall satisfy the basic requirements for education, health and phys-
7 ical fitness established by the [governor pursuant to section one
8 hundred fifty-nine-d] STATE FIRE ADMINISTRATOR PURSUANT TO SECTION ONE
9 HUNDRED FIFTY-EIGHT of the executive law.

10 2. Notwithstanding the provisions of subdivision one of this section,
11 upon the request of a municipal commission having jurisdiction over a
12 fire department and upon a showing by such municipal commission and a
13 determination by the state commission that aggravated recruitment diffi-
14 culties are causing a serious shortage of fire fighters in such fire
15 department and that such municipal commission and all appropriate
16 authorities are making diligent efforts, including payment of adequate
17 compensation, to overcome such recruitment difficulties, the state
18 commission, with the approval of the [fire fighting personnel standards
19 and education commission] STATE FIRE ADMINISTRATOR, may change the
20 educational, health and physical fitness requirements for provisional
21 and permanent appointment as a fire fighter in such fire department for
22 a period not exceeding two years from the date of such determination.
23 Such changes may be authorized for an additional period not exceeding
24 two years, upon a showing and a determination similar to that required
25 hereunder for the original authorization.

26 3. The provisions of this section shall not prevent the establishment
27 of more restrictive local requirements for eligibility for fire fight-
28 ers.

29 4. For the purposes of this section fire fighter means a member of a
30 fire department whose duties include fire service as the phrase fire
31 service is defined in paragraph d of subdivision eleven of section three
32 hundred two of the retirement and social security law.

33 5. Any person whose name was on an eligible list for appointment in
34 the competitive class of the civil service as a fire fighter on the date
35 educational, health and physical fitness requirements for fire fighters
36 are promulgated by the [governor pursuant to section one hundred fifty-
37 nine-d] STATE FIRE ADMINISTRATOR PURSUANT TO SECTION ONE HUNDRED FIFTY-
38 EIGHT of the executive law, shall continue to remain eligible for
39 appointment from such list during the life of such list without satisfy-
40 ing such requirements provided he OR SHE would otherwise have remained
41 eligible for appointment from such list if this section had not been
42 enacted.

43 6. The provisions of this section shall not apply to appointments made
44 by any county, city, town, village or fire district which employs five
45 or fewer fire fighters.

46 S 2. Section 236-b of the county law, as added by chapter 339 of the
47 laws of 2009, subdivision 4 as amended by section 12 of part O of chap-
48 ter 55 of the laws of 2012, is amended to read as follows:

49 S 236-b. County electrical inspector licensing. 1. Notwithstanding any
50 inconsistent general, special, or local law to the contrary, the county
51 of Westchester is hereby authorized to establish a Westchester county
52 board of examiners for electrical inspectors and to empower such board
53 to assume all licensing duties within the county of Westchester with
54 respect to the licensure of electrical inspectors. The county of West-
55 chester shall provide for electrical inspectors' duties and responsibil-
56 ities with respect to applications for a license or renewal in accord-

1 ance with the local law of such county. A local law enacted pursuant to
2 this section establishing county licensure of electrical inspectors
3 shall provide standards for licensure which shall include, at a minimum,
4 a provision that no person shall obtain a license unless such person
5 shall have received training in the inspection of electrical components,
6 equipment and systems used in buildings and structures which is at least
7 equivalent to the training in the inspection of electrical components,
8 equipment and systems used in buildings and structures required for code
9 enforcement personnel under the rules and regulations promulgated by the
10 [governor pursuant to article six-C] SECRETARY OF STATE PURSUANT TO
11 SECTION THREE HUNDRED SEVENTY-SIX-A of the executive law.

12 2. A local law enacted pursuant to this section establishing county
13 licensure of electrical inspectors shall supersede any provision requir-
14 ing electrical inspectors to also obtain a local license promulgated by
15 a city, town or village in the county pursuant to any general, special
16 or local law. Nothing in this section shall be deemed to supersede any
17 of the powers, functions and duties of the [fire fighting and code
18 enforcement personnel standards and education commission, as set forth
19 in article six-C] SECRETARY OF STATE PURSUANT TO SECTION THREE HUNDRED
20 SEVENTY-SIX-A of the executive law.

21 3. In this section, the term "electrical inspector" shall mean any
22 person who now or hereafter inspects electrical components, equipment
23 and systems used in buildings and structures to determine the compliance
24 of such electrical components, equipment and systems and the installa-
25 tion of such electrical components, equipment and systems with the
26 applicable provisions of the state uniform fire prevention and building
27 code promulgated pursuant to article eighteen of the executive law;
28 provided, however, that the term electrical inspector shall not include
29 any person who performs such inspections as an employee of the state of
30 New York, any agency of the state of New York, or any county, city, town
31 or village. In no event shall any person who now or hereafter performs
32 such inspections as an employee of the state of New York, any agency of
33 the state of New York, or any county, city, town or village be required
34 to obtain a license issued pursuant to this section or pursuant to any
35 local law enacted pursuant to this section.

36 4. In this section, the term "agency of the state of New York" shall
37 include any department, bureau, commission, board, public authority or
38 other agency of the state of New York; any public benefit corporation
39 whose board of directors includes any member appointed by the governor;
40 any subdivision of any department, bureau, commission, board, public
41 authority or other agency of the state which is easily identifiable and
42 which for most other purposes is treated as an independent state agency;
43 and the office of information technology services.

44 S 3. Section 156-a of the executive law, as amended by section 1 of
45 part D of chapter 1 of the laws of 2004, subdivision 1 as amended by
46 section 23 of part G of chapter 58 of the laws of 2012, is amended to
47 read as follows:

48 S 156-a. Establishment of a specialized hazardous materials emergency
49 response training program. 1. The state fire administrator shall estab-
50 lish a specialized hazardous materials emergency response training
51 program for individuals responsible for providing emergency response
52 recovery following incidents involving hazardous materials as such term
53 is defined in regulations promulgated by the commissioner of transporta-
54 tion pursuant to section fourteen-f of the transportation law. The
55 state fire administrator shall inform all fire companies, municipal
56 corporations and districts, including agencies and departments thereof

1 and all firefighters, both paid and volunteer, and related officers and
2 employees and police officers of the implementation and availability of
3 the hazardous materials emergency response training program and shall,
4 subject to the availability of an appropriation, conduct such training
5 with sufficient frequency to assure adequate response to incidents
6 involving hazardous materials and protection of responders in all
7 geographic areas of the state.

8 2. The state fire administrator[, in consultation with the aforemen-
9 tioned commission] shall prescribe the curriculum of the hazardous mate-
10 rials emergency response training program, which shall include, but
11 shall not be limited to:

12 (a) hands-on training, including information in regard to leak and
13 spill control, product neutralization, pickup and disposal, fire
14 control, decontamination procedures and use and application of foam
15 agents;

16 (b) hazard assessment with emphasis on incident scene decision-making,
17 including: potential threat to public safety and need for evacuation,
18 calculation of the effect of weather on certain chemicals and evaluation
19 of the result of chemical exposures to air, water, soil, vegetation,
20 lives and property and impact on the personal safety of those working in
21 the accident area;

22 (c) calibration and use of emergency equipment;

23 (d) chemical and biological properties of various classes of chemi-
24 cals, for example, flammables, oxidizers, corrosives, poisons; and

25 (e) weapons of mass destruction and response to terrorism.

26 3. The state fire administrator is hereby directed to issue a report
27 to the governor, speaker of the assembly, temporary president of the
28 senate, chairman of the assembly transportation committee and the chair-
29 man of the senate transportation committee by [April first] FEBRUARY
30 FIFTEENTH of each year on the operations of the program set forth in
31 this section.

32 4. The state fire administrator shall promulgate such rules and regu-
33 lations as are necessary to carry out the provisions of this section.

34 S 4. Subdivision 8 of section 156-c of the executive law, as amended
35 by chapter 583 of the laws of 2006, is amended to read as follows:

36 8. a. To enforce the provisions of this section, the commissioner of
37 taxation and finance and the [secretary of state] STATE FIRE ADMINISTRA-
38 TOR may take administrative action imposing the civil penalties and
39 suspensions authorized by subdivision five of this section. In addition,
40 the attorney general may bring an action on behalf of the people of the
41 state of New York to enjoin acts in violation of this section and to
42 recover any civil penalties unless civil penalties have been previously
43 recovered in such administrative proceedings.

44 b. Any enforcement officer as defined in section thirteen hundred
45 ninety-nine-t of the public health law shall have the power to impose
46 upon any retail dealer the civil penalties authorized by subdivision
47 five of this section, following a hearing conducted in the same manner
48 as hearings conducted under article thirteen-E of the public health law.

49 c. To enforce the provisions of this section, the commissioner of
50 taxation and finance and the [secretary of state] STATE FIRE ADMINISTRA-
51 TOR, or their duly authorized representatives, are hereby authorized to
52 examine the books, papers, invoices and other records of any person in
53 possession, control or occupancy of any premises where cigarettes are
54 placed, stored, sold or offered for sale, as well as the stock of ciga-
55 rettes in any such premises. Every person in the possession, control or
56 occupancy of any premises where cigarettes are placed, sold or offered

for sale, is hereby directed and required to give the commissioner of taxation and finance and the [secretary of state] STATE FIRE ADMINISTRATOR, and their duly authorized representatives, the means, facilities and opportunity for such examinations as are herein provided for and required.

d. Whenever any police officer designated in section 1.20 of the criminal procedure law or a peace officer designated in subdivision four and subdivision seventy-nine pertaining to the [Department of State's] Office of Fire Prevention and Control, of section 2.10 of such law, acting pursuant to his or her special duties, shall discover any cigarettes which have not been marked in the manner required by subdivision six of this section, such officer is hereby authorized and empowered to seize and take possession of such cigarettes. Such seized cigarettes shall be turned over to the commissioner of taxation and finance, and shall be forfeited to the state. Cigarettes seized pursuant to this section shall be destroyed.

e. The [secretary of state] COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, IN CONSULTATION WITH THE STATE FIRE ADMINISTRATOR, and the commissioner of taxation and finance are hereby authorized to promulgate such regulations as are deemed necessary to implement the provisions of this section.

S 5. Subdivision 2 of section 159 of the executive law, as added by section 29-b of part B of chapter 56 of the laws of 2010, is amended to read as follows:

2. The council shall be composed of the state fire administrator, as chair, or his or her designee, and twelve other members appointed as follows: six members appointed by the governor; two members appointed by the temporary president of the senate; one member appointed by the minority leader of the senate; two members appointed by the speaker of the assembly; one member appointed by the minority leader of the assembly. [Members of the fire safety advisory board, the arson board and the firefighting and code enforcement personnel standard and education commission may be appointed to this advisory council.]

S 6. Subdivision 2 of section 711 of the executive law, as added by section 2 of part B of chapter 1 of the laws of 2004, is amended to read as follows:

2. The [director] COMMISSIONER shall appear and give testimony before the annual legislative hearing on public protection held jointly by the assembly committee on ways and means and the senate finance committee as provided for in section three of article VII of the New York state constitution and section thirty-one of the legislative law.

S 7. Section 209-e of the general municipal law, as amended by chapter 225 of the laws of 1979, subdivisions 1 and 2 as amended by section 45 of part B of chapter 56 of the laws of 2010 and subdivision 8 as added by chapter 827 of the laws of 1987, is amended to read as follows:

S 209-e. Fire mobilization and mutual aid plan. 1. Plan. The state fire administrator shall prepare a state fire mobilization and mutual aid plan which may provide for the establishment of fire mobilization and mutual aid zones of the state. Upon filing of the plan in the office of fire prevention and control such plan shall become the state fire mobilization and mutual aid plan. Such plan may be amended from time to time in the same manner as originally adopted.

2. Regional fire administrators. The state fire administrator may appoint and remove a regional fire administrator for each fire mobilization and mutual aid zone established pursuant to the state fire mobilization and mutual aid plan. Before he OR SHE enters on the duties of the

1 office, each regional fire administrator shall take and subscribe before
2 an officer authorized by law to administer oaths the constitutional oath
3 of office, which shall be administered and certified by the officer
4 taking the same without compensation and shall be filed in the office of
5 [fire prevention and control] THE SECRETARY OF STATE.

6 3. Regulations. The COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY
7 AND EMERGENCY SERVICES, IN CONSULTATION WITH THE state fire administra-
8 tor, may make regulations and issue orders which he OR SHE may deem
9 necessary to implement the state fire mobilization and mutual aid plan
10 and carry out the purposes of this section.

11 4. Powers. Whenever a county, city, town, village or fire district
12 shall request, or whenever the governor shall determine that the public
13 interest so requires, the state fire administrator shall possess and
14 exercise the powers, functions and duties set forth in the state fire
15 mobilization and mutual aid plan.

16 5. Standard thread. The state fire mobilization and mutual aid plan
17 shall prescribe a standard hose thread for the state, and each county,
18 city, town, village or fire district not equipped with the same may be
19 required either to recut its threads to such standard or provide adapt-
20 ers whereby the same may be brought to such standards.

21 6. Records. The state fire administrator shall keep a permanent public
22 record of the activations of the state fire mobilization and mutual aid
23 plan, showing how, when and where it was activated and when such acti-
24 vation was terminated.

25 7. Reimbursement of assisting municipal corporations or fire
26 districts. Whenever the governor activates the state fire mobilization
27 and mutual aid plan pursuant to subdivision four of this section, claims
28 submitted by an assisting municipal corporation or fire district for
29 expenses allowed by subdivision two of section two hundred nine-g of
30 this article made in performance of its duties on behalf of a receiving
31 municipality or fire district pursuant to such plan may be reimbursed in
32 the first instance by the state from any local assistance appropriation
33 established for such purpose. Reimbursements of such claims from such
34 appropriation may be made only upon certification of such claim by the
35 state fire administrator to the state comptroller and audit of such
36 claim by the state comptroller prior to payment. Expenditures for such
37 reimbursements from such appropriation shall be considered a liability
38 for outside aid as described in section two hundred nine-g of this arti-
39 cle and shall be repaid by the municipality or fire district receiving
40 assistance pursuant to the state fire mobilization and mutual aid plan.

41 8. Hazardous materials incident plan. The state fire administrator
42 shall prepare a hazardous materials incident plan which shall complement
43 and become a part of the plan required by subdivision one of this
44 section. The plan shall provide for the mobilization and coordination
45 of fire service resources in response to emergencies which involve or
46 may involve hazardous materials and shall establish hazardous materials
47 incidents response zones and criteria for recognized regional hazardous
48 materials incidents response teams. The office of fire prevention and
49 control, by and through the state fire administrator or his OR HER duly
50 authorized officers and employees, is authorized to approve grants of
51 funds from monies allocated and appropriated therefor for expenditures
52 of municipal corporations for hazardous materials incidents planning and
53 equipment, pursuant to applicable rules and regulations promulgated by
54 the [secretary of state] COMMISSIONER OF THE DIVISION OF HOMELAND SECU-
55 RITY AND EMERGENCY SERVICES, IN CONSULTATION WITH THE STATE FIRE ADMIN-
56 ISTRATOR, and approved by the director of the budget.

1 S 8. Paragraph a of subdivision 2 of section 209-f of the general
2 municipal law, as amended by chapter 1003 of the laws of 1965, is
3 amended to read as follows:

4 a. Notwithstanding any inconsistent provision of law, general, special
5 or local, the sheriff of any county may, when the public interest
6 requires it, declare a state of special emergency in any part or parts
7 of his county where the public peace is threatened or where life or
8 property may be endangered, after first advising the governor, by tele-
9 gram [addressed to the governor at the executive offices in the city of
10 Albany, New York,], FACSIMILE OR OTHER ELECTRONIC MEANS that he is about
11 to do so.

12 S 9. Section 209-g of the general municipal law, as amended by chapter
13 699 of the laws of 1956, subdivision 3 as amended by chapter 312 of the
14 laws of 1963 and subdivision 5 as amended by chapter 1003 of the laws of
15 1968, is amended to read as follows:

16 S 209-g. Liability for outside aid. 1. Notwithstanding any inconsis-
17 tent provision of law, general, special or local, any county, city, town,
18 village or fire district requesting fire aid pursuant to section two
19 hundred nine-e of this [chapter] ARTICLE or any county, city, town or
20 village requesting police aid pursuant to section two hundred nine-f of
21 this [chapter] ARTICLE, shall be liable and responsible to the assisting
22 municipal corporation or fire district for any loss of or damage to
23 apparatus or equipment or supplies and shall bear and pay the expense
24 incurred in the operation and maintenance of any apparatus or equipment
25 and the cost of materials and supplies used or consumed in rendering
26 such aid and assistance, but such liability and responsibility shall not
27 apply or extend to apparatus, equipment, materials and supplies owned or
28 supplied by the state.

29 2. The state or assisting municipal corporation or fire district in
30 such case shall be liable for salaries or other compensation to the
31 assisting forces furnished during the time they shall not be performing
32 their duties for the state or for the assisting municipal corporation or
33 fire district and shall defray the actual traveling and maintenance
34 expense of such assisting forces while they are rendering such aid and
35 assistance, but the receiving municipal corporation or fire district
36 shall reimburse the assisting municipal corporation or fire district for
37 any moneys paid for such salaries or other compensation and traveling
38 and maintenance expense. Any such claim for loss, damage, expense or
39 cost shall not be allowed unless within sixty days after the same shall
40 have been sustained or incurred a written notice of such claim, under
41 oath, itemizing such loss, damage, expense or cost, is served by mail or
42 otherwise upon the comptroller or chief fiscal officer of such receiving
43 municipal corporation or fire district. An assisting municipal corpo-
44 ration or fire district may assume any such loss, damage, expense or
45 cost or loan such equipment and apparatus or donate such services to the
46 receiving municipal corporation or fire district without charge or cost.

47 3. A county, city, town, village or fire district shall be liable for
48 all payments to be made to or on behalf of injured volunteer [firemen]
49 FIREFIGHTERS or to representatives of deceased volunteer [firemen] FIRE-
50 FIGHTERS pursuant to and in accordance with the provisions of the volun-
51 teer [firemen's] FIREFIGHTERS' benefit law. The amount so paid by a
52 town shall be assessed in the manner provided in such law.

53 4. Neither the state nor the civil or political subdivision of the
54 state whose police or fire forces or employees are engaged in rendering
55 such outside aid and assistance pursuant to any request for aid and
56 assistance or pursuant to direction of the governor or other official or

1 agency authorized by, or pursuant to law so to direct shall be liable or
2 accountable in any way or on account of any act or omission on the part
3 of any officer or member of such forces or of any such employee while so
4 engaged or for or on account of the operation, maintenance or use of any
5 apparatus, equipment, materials or supplies in connection therewith, nor
6 shall any sheriff be held liable or accountable in any way for or on
7 account of any act or omission on the part of any of his OR HER deputies
8 within or without the county of their appointment where such deputies
9 are under the command of an officer other than himself OR HERSELF.

10 5. Notwithstanding any inconsistent provision of law, general, special
11 or local, (a) any county whose sheriff, or in the county of Nassau the
12 county executive, declared a state of special emergency within his OR
13 HER county pursuant to section two hundred nine-f of this [chapter]
14 ARTICLE, which resulted in men OR WOMEN and/or equipment being furnished
15 by the sheriff of another county for use in the county of the sheriff,
16 or in the county of Nassau the county executive, declaring the state of
17 emergency, shall be liable and responsible to the county of the assist-
18 ing sheriff for salaries or other compensation paid or due the persons
19 comprising the assisting forces during the time they were engaged in
20 performing services in the county of the requesting sheriff, or in the
21 county of Nassau the county executive, and for all loss or damage to
22 apparatus, equipment and supplies used or consumed by the persons
23 comprising such assisting forces in rendering aid and assistance in the
24 county of the requesting sheriff, or in the county of Nassau the county
25 executive, provided an itemized claim therefor is submitted in writing
26 to the chief fiscal officer of the county of the requesting sheriff, or
27 in the county of Nassau the county executive, within sixty days after
28 the termination of such an emergency. An assisting county may, however,
29 assume any such cost, loss or damage, and all payments made or to be
30 made to or on behalf of such persons comprising such assisting forces or
31 to representatives of deceased persons who comprised such assisting
32 forces pursuant to and in accordance with the provisions of any applica-
33 ble law, rule or ordinance, including the workmen's compensation law
34 which shall be deemed to be applicable. Neither the county whose sheriff
35 responded with men and/or equipment to a request for assistance made by
36 another sheriff who declared a state of special emergency, or in the
37 county of Nassau the county executive, nor a responding sheriff or
38 employee of the responding county, shall be liable or accountable in any
39 way for any act or omission on the part of any person during the contin-
40 uance of any such emergency, including but not restricted to the opera-
41 tion, maintenance or use of any apparatus, equipment or supplies in
42 connection therewith, nor shall any sheriff be held liable or account-
43 able in any way for or on account of any act or omission on the part of
44 any of his OR HER deputies within or without the county of their
45 appointment where such deputies are under the command of any person
46 other than himself OR HERSELF, and (b) the city, town or village receiv-
47 ing police aid pursuant to section two hundred nine-f of this [chapter]
48 ARTICLE shall assume the liability for all damages arising out of any
49 act performed in rendering such aid and shall reimburse the assisting
50 city, town, village, parkway police force, state park police force
51 and/or county police department for any moneys paid by it for salaries
52 or for other expenses incurred by it, including damage to or loss of
53 equipment and supplies. An assisting city, town, village, parkway police
54 force, state park police force and/or county police department may,
55 however, assume in whole or in part any such cost, loss, damage or other
56 cost or charge sustained or suffered by it which is applicable to its

rendering such aid, by taking appropriate action to accomplish the same, and the county of the receiving city, town or village may, by appropriate action, elect to obligate itself to pay all or part of any money which such receiving municipality is obliged to pay arising out of and applicable to its having received such aid, and (c) a regular, part time or special deputy sheriff of a county shall not, for any reason, lose or forfeit any right, benefit or privilege which he OR SHE would have had in the county of his OR HER residence by becoming and/or acting as an emergency special deputy sheriff of another county during an emergency.

6. THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, IN CONSULTATION WITH THE STATE FIRE ADMINISTRATOR, MAY PROMULGATE RULES AND REGULATIONS NECESSARY TO CARRY OUT THE PURPOSE AND PROVISIONS OF THIS SECTION.

S 10. Section 209-w of the general municipal law, as added by chapter 369 of the laws of 1976, subdivisions 1 and 5 as amended by chapter 225 of the laws of 1979, is amended to read as follows:

S 209-w. Permanent appointment of fire fighters; completion of training program. 1. Notwithstanding the provisions of any general, special, or local law or charter to the contrary, no person shall, after the effective date of regulations adopted by the [governor pursuant to section one hundred fifty-nine-d] STATE FIRE ADMINISTRATOR PURSUANT TO SECTION ONE HUNDRED FIFTY-EIGHT of the executive law, receive an original appointment on a permanent basis as a fire fighter of any county, city, town, village, or fire district unless such person has previously been awarded a certificate by the state fire administrator attesting to his OR HER satisfactory completion of an approved fire basic training program; and every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as a fire fighter of any county, city, town, village or fire district shall forfeit his OR HER position as such unless he OR SHE previously has satisfactorily completed, or within the time prescribed by regulations promulgated by the [governor pursuant to section one hundred fifty-nine-d] STATE FIRE ADMINISTRATOR PURSUANT TO SECTION ONE HUNDRED FIFTY-EIGHT of the executive law, satisfactorily completes, a fire basic training program for temporary or probationary fire fighters and is awarded a certificate by the state fire administrator attesting thereto.

2. The term fire fighter, as used in this section, shall mean a member of a fire department whose duties include fire service as the phrase fire service is defined in paragraph d of subdivision eleven of section three hundred two of the retirement and social security law.

3. Nothing in this section shall be construed to exempt any fire fighter or other officer or employee from the provisions of the civil service law.

4. The provisions of this section shall not prevent the establishment of more restrictive local requirements for appointment of fire fighters.

5. Any person whose name was on an eligible list for appointment in the competitive class of the civil service as a fire fighter on the effective date of any rules and regulations promulgated by the [governor pursuant to section one hundred fifty-nine-d] STATE FIRE ADMINISTRATOR PURSUANT TO SECTION ONE HUNDRED FIFTY-EIGHT of the executive law shall continue to remain eligible for permanent appointment from such list during the life of such list without satisfying the requirements set forth in subdivision one of this section, provided he OR SHE would otherwise have remained eligible for permanent appointment from such list if this section had not been enacted.

6. The provisions of this section shall not apply to appointments made by any county, city, town, village or fire district which employs five or fewer fire fighters.

S 11. This act shall take effect immediately.

PART B

Section 1. The executive law is amended by adding a new section 29-j to read as follows:

S 29-J. ACCEPTANCE OF GIFTS. 1. THE STATE OFFICE OF EMERGENCY MANAGEMENT WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES MAY ACCEPT ANY ASSISTANCE, INCLUDING BUT NOT LIMITED TO GIFTS OR GRANTS OF REAL OR PERSONAL PROPERTY, BUT NOT INCLUDING MONEY, FROM ANY PUBLIC OR PRIVATE SOURCE FOR THE PURPOSE OF PREPARING FOR, RESPONDING TO, OR RECOVERING FROM A STATE DISASTER EMERGENCY. SUCH ASSISTANCE MAY BE USED TO SUPPORT STATE AND LOCAL DISASTER OPERATIONS OR DISTRIBUTED TO DISASTER RESPONSE ORGANIZATIONS SUPPORTING LOCAL DISASTER RESPONSE OPERATIONS. TO THE EXTENT PRACTICABLE, THE OFFICE OF EMERGENCY MANAGEMENT SHALL DISTRIBUTE SUCH ASSISTANCE IN CONSULTATION WITH LOCAL GOVERNMENTS, NOT-FOR-PROFIT ORGANIZATIONS, AND OTHER DISASTER RESPONSE ORGANIZATIONS THAT HAVE EXPERIENCE RESPONDING TO STATE DISASTER EMERGENCIES.

2. THE STATE OFFICE OF EMERGENCY MANAGEMENT SHALL MAINTAIN A DATABASE OF ALL ASSISTANCE ACCEPTED DURING THE STATE DISASTER EMERGENCY AND SHALL MAKE SUCH INFORMATION AVAILABLE TO THE PUBLIC ON ITS WEBSITE. THE DATABASE SHALL INCLUDE, BUT IS NOT LIMITED TO, THE NAME OF THE DONOR, TYPE OF ASSISTANCE PROVIDED, VALUE OF THE ASSISTANCE, RECIPIENT OF THE ASSISTANCE (IF AVAILABLE), DATE OF THE DONATION AND DATE OF DISTRIBUTION.

3. THE DIRECTOR OF THE OFFICE OF EMERGENCY MANAGEMENT, IN CONSULTATION WITH THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, MAY PROMULGATE RULES AND REGULATIONS NECESSARY TO IMPLEMENT THIS SECTION.

S 2. This act shall take effect immediately.

PART C

Section 1. Section 29-i of the executive law, as added by section 1 of part V of chapter 55 of the laws of 2013, is amended to read as follows:

S 29-i. Immunity from liability for emergency alerts. Any provider of mobile services, as defined in 47 U.S.C. 153, including its officers, directors, employees, AFFILIATES, vendors and agents, acting on behalf of the state, AND ANY THIRD-PARTY INTERMEDIARY TRANSMISSION SERVICE PROVIDER, INCLUDING SUCH THIRD-PARTY INTERMEDIARY TRANSMISSION SERVICE PROVIDER'S AFFILIATES, OFFICERS, DIRECTORS, EMPLOYEES, VENDORS AND AGENTS, ACTING DIRECTLY OR INDIRECTLY ON BEHALF OF THE STATE OR ON BEHALF OF ANY SUCH PROVIDER OF MOBILE SERVICES, that transmits emergency alerts similar to those described in 47 CFR 10.10 and 10.400, OR THAT TRANSMITS ANY OTHER TYPE OR FORM OF EMERGENCY ALERT MESSAGES, shall not be liable for any act or omission related to or any harm resulting from the transmission of, or failure to transmit, an emergency alert, provided that such provider, officer, director, employee, AFFILIATE, vendor or agent acted reasonably and in good faith.

S 2. This act shall take effect immediately.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect,

1 impair, or invalidate the remainder thereof, but shall be confined in
2 its operation to the clause, sentence, paragraph, subdivision, section
3 or part thereof directly involved in the controversy in which such judg-
4 ment shall have been rendered. It is hereby declared to be the intent of
5 the legislature that this act would have been enacted even if such
6 invalid provisions had not been included herein.

7 S 3. This act shall take effect immediately provided, however, that
8 the applicable effective date of Parts A through C of this act shall be
9 as specifically set forth in the last section of such Parts.