

8816--A

Cal. No. 621

I N   A S S E M B L Y

February 18, 2014

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Introduced by M. of A. WEPRIN, CUSICK, MARKEY, BENEDETTO, KAVANAGH, SCHIMEL -- Multi-Sponsored by -- M. of A. FARRELL, PERRY, TITONE -- read once and referred to the Committee on Governmental Operations -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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 CONFIDENTIAL registry of [disabled  
12    persons] PEOPLE OF ALL AGES WITH DISABILITIES located within the county.  
13    PEOPLE OF ALL AGES WITH DISABILITIES SHALL BE GIVEN THE OPTION TO BE  
14    INCLUDED IN THE REGISTRY. The [registration] REGISTRY shall identify  
15    those persons in need of assistance and plan for resource allocation to  
16    meet those identified needs. To assist the chief executive in identify-  
17    ing such persons, the county department of health, THE COUNTY DEPARTMENT  
18    OF SOCIAL SERVICES, THE COUNTY DEPARTMENT OF MENTAL HEALTH, or such  
19    other county department or agency as designated by the chief executive,  
20    shall provide [voluntary] INFORMATION ABOUT THE REGISTRY AND THE regis-  
21    tration [information] PROCESS to all of its [special needs clients]  
22    CONSUMERS OF ALL AGES WITH DISABILITIES and to all incoming [clients]

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

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1 CONSUMERS as part of the intake process. The registry shall be updated  
2 annually. The registration program shall give [disabled persons] SUCH  
3 PEOPLE OF ALL AGES WITH DISABILITIES the option of pre-authorizing emer-  
4 gency response personnel to enter their homes during search and rescue  
5 operations if necessary to assure their safety and welfare during disas-  
6 ters.

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

18 3. Upon the establishment of a [voluntary] CONFIDENTIAL registry of  
19 [disabled persons] PEOPLE OF ALL AGES WITH DISABILITIES as provided in  
20 subdivision one of this section, at least semi-annually, each chief  
21 executive shall cause to be published in a newspaper of general circu-  
22 lation within the county a notice of the availability of the [voluntary]  
23 registration program AND EACH CHIEF EXECUTIVE SHALL ALSO PROVIDE INFOR-  
24 MATION ABOUT THE REGISTRY AND THE REGISTRATION PROCESS TO OTHER FORMS OF  
25 MEDIA, INCLUDING, BUT NOT LIMITED TO, ELECTRONIC MEDIA.

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

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

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

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