

8816--A

Cal. No. 621

I N A S S E M B L Y

February 18, 2014

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.