

1 shall be eligible for provisional or permanent appointment in the
2 competitive class of the civil service as a fire fighter unless he OR
3 SHE shall satisfy the basic requirements for education, health and phys-
4 ical fitness established by the [governor pursuant to section one
5 hundred fifty-nine-d] STATE FIRE ADMINISTRATOR PURSUANT TO SECTION ONE
6 HUNDRED FIFTY-EIGHT of the executive law.

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

23 3. The provisions of this section shall not prevent the establishment
24 of more restrictive local requirements for eligibility for fire fight-
25 ers.

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

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

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

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

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

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

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

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

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

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

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

1 subject to the availability of an appropriation, conduct such training
2 with sufficient frequency to assure adequate response to incidents
3 involving hazardous materials and protection of responders in all
4 geographic areas of the state.

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

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

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

19 (c) calibration and use of emergency equipment;

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

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

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

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

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

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

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

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

1 and opportunity for such examinations as are herein provided for and
2 required.

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

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

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

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

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

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

39 S 7. Section 209-e of the general municipal law, as amended by chapter
40 225 of the laws of 1979, subdivisions 1 and 2 as amended by section 45
41 of part B of chapter 56 of the laws of 2010 and subdivision 8 as added
42 by chapter 827 of the laws of 1987, is amended to read as follows:

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

50 2. Regional fire administrators. The state fire administrator may
51 appoint and remove a regional fire administrator for each fire mobili-
52 zation and mutual aid zone established pursuant to the state fire mobili-
53 zation and mutual aid plan. Before he OR SHE enters on the duties of the
54 office, each regional fire administrator shall take and subscribe before
55 an officer authorized by law to administer oaths the constitutional oath
56 of office, which shall be administered and certified by the officer

1 taking the same without compensation and shall be filed in the office of
2 [fire prevention and control] THE SECRETARY OF STATE.

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

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

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

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

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

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

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

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

9 S 9. Section 209-g of the general municipal law, as amended by chapter
10 699 of the laws of 1956, subdivision 3 as amended by chapter 312 of the
11 laws of 1963 and subdivision 5 as amended by chapter 1003 of the laws of
12 1968, is amended to read as follows:

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

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

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

50 4. Neither the state nor the civil or political subdivision of the
51 state whose police or fire forces or employees are engaged in rendering
52 such outside aid and assistance pursuant to any request for aid and
53 assistance or pursuant to direction of the governor or other official or
54 agency authorized by, or pursuant to law so to direct shall be liable or
55 accountable in any way or on account of any act or omission on the part
56 of any officer or member of such forces or of any such employee while so

engaged or for or on account of the operation, maintenance or use of any apparatus, equipment, materials or supplies in connection therewith, nor shall any sheriff be held liable or accountable in any way for or on account of any act or omission on the part of any of his OR HER deputies within or without the county of their appointment where such deputies are under the command of an officer other than himself OR HERSELF.

5. Notwithstanding any inconsistent provision of law, general, special or local, (a) any county whose sheriff, or in the county of Nassau the county executive, declared a state of special emergency within his OR HER county pursuant to section two hundred nine-f of this [chapter] ARTICLE, which resulted in men OR WOMEN and/or equipment being furnished by the sheriff of another county for use in the county of the sheriff, or in the county of Nassau the county executive, declaring the state of emergency, shall be liable and responsible to the county of the assisting sheriff for salaries or other compensation paid or due the persons comprising the assisting forces during the time they were engaged in performing services in the county of the requesting sheriff, or in the county of Nassau the county executive, and for all loss or damage to apparatus, equipment and supplies used or consumed by the persons comprising such assisting forces in rendering aid and assistance in the county of the requesting sheriff, or in the county of Nassau the county executive, provided an itemized claim therefor is submitted in writing to the chief fiscal officer of the county of the requesting sheriff, or in the county of Nassau the county executive, within sixty days after the termination of such an emergency. An assisting county may, however, assume any such cost, loss or damage, and all payments made or to be made to or on behalf of such persons comprising such assisting forces or to representatives of deceased persons who comprised such assisting forces pursuant to and in accordance with the provisions of any applicable law, rule or ordinance, including the workmen's compensation law which shall be deemed to be applicable. Neither the county whose sheriff responded with men and/or equipment to a request for assistance made by another sheriff who declared a state of special emergency, or in the county of Nassau the county executive, nor a responding sheriff or employee of the responding county, shall be liable or accountable in any way for any act or omission on the part of any person during the continuance of any such emergency, including but not restricted to the operation, maintenance or use of any apparatus, equipment or supplies in connection therewith, nor shall any sheriff be held liable or accountable in any way for or on account of any act or omission on the part of any of his OR HER deputies within or without the county of their appointment where such deputies are under the command of any person other than himself OR HERSELF, and (b) the city, town or village receiving police aid pursuant to section two hundred nine-f of this [chapter] ARTICLE shall assume the liability for all damages arising out of any act performed in rendering such aid and shall reimburse the assisting city, town, village, parkway police force, state park police force and/or county police department for any moneys paid by it for salaries or for other expenses incurred by it, including damage to or loss of equipment and supplies. An assisting city, town, village, parkway police force, state park police force and/or county police department may, however, assume in whole or in part any such cost, loss, damage or other 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

1 which such receiving municipality is obliged to pay arising out of and
2 applicable to its having received such aid, and (c) a regular, part time
3 or special deputy sheriff of a county shall not, for any reason, lose or
4 forfeit any right, benefit or privilege which he OR SHE would have had
5 in the county of his OR HER residence by becoming and/or acting as an
6 emergency special deputy sheriff of another county during an emergency.

7 6. THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
8 SERVICES, IN CONSULTATION WITH THE STATE FIRE ADMINISTRATOR, MAY PROMUL-
9 GATE RULES AND REGULATIONS NECESSARY TO CARRY OUT THE PURPOSE AND
10 PROVISIONS OF THIS SECTION.

11 S 10. Section 209-w of the general municipal law, as added by chapter
12 369 of the laws of 1976, subdivisions 1 and 5 as amended by chapter 225
13 of the laws of 1979, is amended to read as follows:

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

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

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

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

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

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

56 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, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of

1 the legislature that this act would have been enacted even if such
2 invalid provisions had not been included herein.
3 S 3. This act shall take effect immediately provided, however, that
4 the applicable effective date of Parts A through C of this act shall be
5 as specifically set forth in the last section of such Parts.