

5957

2015-2016 Regular Sessions

I N S E N A T E

June 13, 2015

Introduced by Sen. CROCI -- (at request of the Governor) -- read twice
and ordered printed, and when printed to be committed to the Committee
on Rules

AN ACT to amend the executive law, in relation to improving state disaster preparedness, response, and recovery capabilities

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

1 Section 1. Paragraphs a and c of subdivision 6 of section 29-h of the
2 executive law, as amended by section 1 of part Q of chapter 55 of the
3 laws of 2013, are amended to read as follows:
4 a. Subject to the restrictions on school districts and boards of
5 cooperative educational services set forth in subdivision one of this
6 section, THE STATE OR a participating local government may request
7 assistance of other participating local governments in preventing, miti-
8 gating, responding to and recovering from disasters that result in THE
9 DECLARATION OF A STATE DISASTER EMERGENCY OR locally-declared emergen-
10 cies, or for the purpose of conducting multi-jurisdictional or regional
11 training, drills or exercises. Requests for assistance may be made
12 verbally or in writing; verbal requests shall be memorialized in writing
13 as soon thereafter as is practicable. Notwithstanding the provisions of
14 section twenty-five of this article, the local emergency management
15 director shall have the authority to request and accept assistance and
16 deploy the local resources of his or her jurisdiction under the intra-
17 state mutual aid program. THE DIRECTOR OF THE STATE OFFICE OF EMERGENCY
18 MANAGEMENT IS AUTHORIZED TO REQUEST AND ACCEPT ASSISTANCE PURSUANT TO
19 THIS SECTION.
20 c. Assisting local governments shall submit to the STATE OR requesting
21 local government an inventory of the resources being deployed.
22 S 2. Subdivisions 8 and 9 of section 29-h of the executive law, subdi-
23 vision 8 as added by section 10-a of part B of chapter 56 of the laws of
24 2010, paragraph a of subdivision 8 as amended by section 13, paragraphs

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

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1 b, c and d of subdivision 8 as added and paragraph e of subdivision 8 as
2 relettered by section 10, and subdivision 9 as added by section 12 of
3 part G of chapter 55 of the laws of 2012, are amended to read as
4 follows:

5 8. Reimbursement of assisting [jurisdiction] LOCAL GOVERNMENT by THE
6 STATE OR requesting [jurisdiction] LOCAL GOVERNMENT; resolving disputes
7 regarding reimbursement. a. Any assisting local government requesting
8 reimbursement under this program for loss, damage or expenses incurred
9 in connection with the provision of assistance that seeks reimbursement
10 by the STATE OR requesting local government shall make such request in
11 accordance with procedures developed by the intrastate mutual aid
12 committee.

13 b. Notwithstanding the provisions of section twenty-five of this arti-
14 cle or any inconsistent provision of law to the contrary, THE STATE OR
15 any requesting local government requesting assistance under this program
16 shall be liable and responsible to the assisting local government for
17 any loss or damage to equipment or supplies and shall bear and pay the
18 expense incurred in the operation and maintenance of any equipment and
19 the cost of materials and supplies used in rendering assistance under
20 this section.

21 c. The assisting local government shall be liable for salaries or
22 other compensation for its employees deployed to THE STATE OR a request-
23 ing local government during the time they are not rendering assistance
24 pursuant to such request, and shall defray the actual traveling and
25 maintenance expense of its employees and equipment while they are
26 rendering assistance under this section. The STATE OR requesting local
27 government shall reimburse the assisting local government for any moneys
28 paid for such salaries or other compensation and traveling and mainte-
29 nance expenses incurred from activities performed while rendering
30 assistance under this program.

31 d. Notwithstanding paragraph c of this subdivision, any voluntary
32 ambulance service rendered pursuant to a request for assistance under
33 this program that affects a volunteer ambulance workers service award or
34 supplemental service award from a service award program or a supple-
35 mental service award program established pursuant to article eleven-aa,
36 article eleven-aaa, or article eleven-aaaa of the general municipal law
37 shall be the responsibility of the political subdivision which adopted
38 the service award program or supplemental service award program and not
39 the responsibility of the STATE OR requesting local government.

40 e. Where a dispute arises between an assisting local government and
41 THE STATE OR a requesting local government regarding reimbursement for
42 loss, damages or expenses incurred in connection with the provision of
43 aid, the parties will make every effort to resolve the dispute within
44 thirty business days of written notice of the dispute by the party
45 asserting noncompliance.

46 9. Performance of services. a. (1) Employees of an assisting local
47 government shall continue under the administrative control of their home
48 jurisdiction. However, in all other cases where not prohibited by gener-
49 al, special or local law, rule or regulation, employees of an assisting
50 local government shall be under the direction and control of the DIREC-
51 TOR OF THE STATE OFFICE OF EMERGENCY MANAGEMENT, local emergency manage-
52 ment director or other official charged with performing emergency
53 management functions for the STATE OR requesting local government;

54 (2) Performance by employees of an assisting local government of
55 services for THE STATE OR a requesting local government pursuant to this
56 section shall have no impact upon whether negotiating unit employees

1 represented by an employee organization, recognized or certified pursu-
2 ant to section two hundred six or two hundred seven of the civil service
3 law, exclusively perform such services, as that phrase is used by the
4 public employment relations board, on behalf of the STATE OR requesting
5 local government;

6 b. Assets and equipment of an assisting local government shall contin-
7 ue under the ownership of the assisting local government, but shall be
8 under the direction and control of the DIRECTOR OF THE STATE OFFICE OF
9 EMERGENCY MANAGEMENT, local emergency management director or other offi-
10 cial charged with performing emergency management functions for the
11 STATE OR requesting local government.

12 S 3. This act shall take effect immediately.