

5271--B

2015-2016 Regular Sessions

I N   S E N A T E

May 12, 2015

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Introduced by Sens. AVELLA, ADDABBO, CARLUCCI, KLEIN, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, -- said bill committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, the public service law and the public health law, in relation to enacting the "natural disaster preparedness and mitigation act"

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "natural disaster preparedness and mitigation act".  
3     S 2. Legislative intent. The legislature hereby finds that due to  
4     changes in climate and weather patterns, large areas of the state have  
5     been severely impacted by repeated hurricanes, tropical storms and other  
6     weather related natural disasters during the past few years. The condi-  
7     tions created by these hurricanes, tropical storms and other weather  
8     related natural disasters have imposed severe economic, social and  
9     infrastructure damages to those areas and populaces affected.  
10    Therefore, the legislature declares that the state, its political  
11    subdivisions, public utilities and health care facilities must improve  
12    their preparations for, responses to and recovery from future disasters.  
13    This act requires enhanced planning, preparation and mitigation efforts  
14    for possible future natural disasters. Natural disaster planning, on  
15    both the state and local levels, by state and local governments, utili-  
16    ties and health care facilities should be comprehensive and include  
17    emergency service organizations which are involved in mitigation of

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

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1 damage and recovery from disasters at all levels. Furthermore, the  
2 responses to disasters must be quick, well coordinated and comprehensive  
3 so as to minimize the loss of life, human suffering, property loss and  
4 reduction in business activity. Finally, both public and private infras-  
5 tructures should be designed and constructed to minimize the damage  
6 thereto caused by any disaster and so as to facilitate the repair and  
7 restoration thereof after a disaster.

8 S 3. Section 20 of the executive law, as amended by section 1 of part  
9 B of chapter 56 of the laws of 2010, paragraphs i, j and k of subdivi-  
10 sion 2 as added by section 1 of part G of chapter 55 of the laws of  
11 2012, is amended to read as follows:

12 S 20. Natural and man-made disasters; policy; definitions. 1. It shall  
13 be the policy of the state that:

14 a. local government and emergency service organizations continue their  
15 essential role as the first line of defense in times of disaster, and  
16 that the state provide [appropriate] TIMELY AND COMPREHENSIVE supportive  
17 services to the extent necessary;

18 b. local chief executives take an active and personal role in the  
19 development and implementation of STATE AND LOCAL disaster preparedness  
20 programs and be vested with authority and responsibility, WITH ASSIST-  
21 ANCE FROM THE STATE, in order to [insure] ENSURE the success of such  
22 programs;

23 c. state and local natural disaster and emergency response functions  
24 be coordinated using recognized practices in incident management AND  
25 RISK MANAGEMENT PRACTICES in order to bring the fullest protection and  
26 benefit to the people;

27 d. state resources SHALL be organized and prepared for immediate  
28 effective response to disasters which [are] MAY BE beyond the capability  
29 of local governments and emergency service organizations; [and]

30 e. state and local plans, organizational arrangements[, ] and response  
31 capability required to execute the provisions of this article shall at  
32 all times be the most effective that current AND REASONABLY ANTICIPATED  
33 circumstances and existing resources allow[.]; AND

34 F. STATE AND LOCAL GOVERNMENT AND EMERGENCY SERVICE ORGANIZATIONS  
35 SHALL CONSIDER AND INCORPORATE INTO EVERY STATE AND LOCAL DISASTER  
36 PREPAREDNESS PLAN, THE EMERGENCY MANAGEMENT PLANS SUBMITTED BY PRIVATE  
37 AGENCIES.

38 2. As used in this article the following terms shall have the follow-  
39 ing meanings:

40 a. "disaster" means occurrence or imminent threat of wide spread or  
41 severe damage, injury, or loss of life or property resulting from any  
42 natural or man-made causes, including, but not limited to, fire, flood,  
43 earthquake, hurricane, tornado, high water, landslide, mudslide, wind,  
44 storm, WIND STORM, wave action, volcanic activity, epidemic, air contam-  
45 ination, terrorism, cyber event, blight, drought, infestation, explo-  
46 sion, radiological accident, nuclear, chemical, biological[, ] or bacter-  
47 iological release, water contamination, DAM FAILURE, ICE STORM, bridge  
48 failure or bridge collapse.

49 b. "state disaster emergency" means a period beginning with a declara-  
50 tion by the governor that a disaster exists and ending upon the termi-  
51 nation thereof.

52 c. "municipality" means a public corporation as defined in subdivision  
53 one of section sixty-six of the general construction law and a special  
54 district as defined in subdivision sixteen of section one hundred two of  
55 the real property tax law.

1 d. "commission" means the disaster preparedness commission created  
2 pursuant to section twenty-one of this article.

3 e. "emergency services organization" means a public or private agency,  
4 voluntary organization or group organized and functioning for the  
5 purpose of providing fire, medical, ambulance, rescue, housing, food or  
6 other services directed toward relieving human suffering, injury or loss  
7 of life or damage to property as a result of an emergency, including  
8 non-profit and governmentally-supported organizations, but excluding  
9 governmental agencies.

10 f. "chief executive" means:

11 (1) a county executive or manager of a county;

12 (2) in a county not having a county executive or manager, the chairman  
13 or other presiding officer of the county legislative body;

14 (3) a mayor of a city or village, except where a city or village has a  
15 manager, it shall mean such manager; and

16 (4) a supervisor of a town, except where a town has a manager, it  
17 shall mean such manager.

18 g. ["Disaster"] "DISASTER emergency response personnel" means agencies,  
19 public officers, employees, or affiliated volunteers having duties and  
20 responsibilities under or pursuant to a comprehensive emergency manage-  
21 ment plan.

22 h. ["Emergency"] "EMERGENCY management director" means the government  
23 official responsible for emergency preparedness, response and recovery  
24 for a county, city, town, or village.

25 i. "incident management team" means a state certified team of trained  
26 personnel from different departments, organizations, agencies, and  
27 jurisdictions within the state, or a region of the state, activated to  
28 support and manage major and/or complex incidents requiring a signif-  
29 icant number of local, regional, and state resources.

30 j. "executive level officer" means a state agency officer with the  
31 authority to deploy agency assets and resources and make decisions bind-  
32 ing a state agency.

33 k. "third party non-state resources" means any contracted resource  
34 that is not owned or controlled by the state or a political subdivision  
35 including, but not limited to, ambulances, construction crews, or  
36 contractors.

37 L. "HEALTH CARE FACILITY" MEANS A HOSPITAL OR RESIDENTIAL HEALTH CARE  
38 FACILITY, AS DEFINED IN SECTION TWENTY-EIGHT HUNDRED ONE OF THE PUBLIC  
39 HEALTH LAW.

40 M. "PRIVATE AGENCY" MEANS A HEALTH CARE FACILITY OR A PUBLIC UTILITY.

41 N. "PUBLIC UTILITY" MEANS A UTILITY COMPANY, AS DEFINED IN SECTION TWO  
42 OF THE PUBLIC SERVICE LAW, A CABLE TELEVISION COMPANY, AS DEFINED IN  
43 SECTION TWO HUNDRED TWELVE OF THE PUBLIC SERVICE LAW, OR A WIRELESS  
44 COMMUNICATIONS SERVICE PROVIDER, AS DEFINED IN SECTION THREE HUNDRED ONE  
45 OF THE COUNTY LAW.

46 S 4. Section 21 of the executive law, as amended by section 2 of part  
47 B of chapter 56 of the laws of 2010, subdivision 1 as amended by chapter  
48 176 of the laws of 2013, paragraph f of subdivision 3 as amended by  
49 section 3 and subdivision 5 as amended by section 4 of part G of chapter  
50 55 of the laws of 2012, is amended to read as follows:

51 S 21. Disaster preparedness commission established; meetings; powers  
52 and duties. 1. There is hereby created in the executive department a  
53 disaster preparedness commission consisting of the commissioners of  
54 transportation, health, division of criminal justice services, educa-  
55 tion, economic development, agriculture and markets, housing and commu-  
56 nity renewal, general services, labor, environmental conservation,

1 mental health, parks, recreation and historic preservation, corrections  
2 and community supervision, children and family services, homeland secu-  
3 rity and emergency services, and people with developmental disabilities,  
4 the president of the New York state energy research and development  
5 authority, the superintendents of state police and financial services,  
6 the secretary of state, the state fire administrator, the chair of the  
7 public service commission, the adjutant general, the office of informa-  
8 tion technology services, and the office of victim services, the chairs  
9 of the thruway authority, the office for the aging, the metropolitan  
10 transportation authority, the port authority of New York and New Jersey,  
11 the chief professional officer of the state coordinating chapter of the  
12 American Red Cross and [three] SIX additional members, to be appointed  
13 by the governor, two of whom shall be chief executives, ONE OF WHOM  
14 SHALL BE A REPRESENTATIVE OF A PUBLIC UTILITY, ONE OF WHOM SHALL BE A  
15 REPRESENTATIVE OF A HEALTH CARE FACILITY AND ONE OF WHOM SHALL BE A RISK  
16 MANAGER. Each member agency may designate an executive level officer of  
17 that agency, with responsibility for disaster preparedness matters, who  
18 may represent that agency on the commission. The commissioner of the  
19 division of homeland security and emergency services shall serve as  
20 chair of the commission, and the governor shall designate the vice chair  
21 of the commission. The members of the commission, except those who serve  
22 ex officio, shall be allowed their actual and necessary expenses  
23 incurred in the performance of their duties under this article but shall  
24 receive no additional compensation for services rendered pursuant to  
25 this article.

26 2. The commission, on call of the chairperson, shall meet at least  
27 twice each year and at such other times as may be necessary. The agenda  
28 and meeting place of all regular meetings shall be made available to the  
29 public in advance of such meetings and all such meetings shall be open  
30 to the public. The commission shall establish quorum requirements and  
31 other rules and procedures regarding conduct of its meetings and other  
32 affairs.

33 3. The commission shall have the following powers and responsibil-  
34 ities:

35 a. study all aspects of man-made or natural disaster prevention,  
36 response and recovery;

37 b. request and obtain from any state or local officer or agency,  
38 PRIVATE AGENCY OR RISK MANAGER any information OR ADVICE necessary to  
39 the commission for the exercise of its responsibilities;

40 c. prepare and, as appropriate, revise a state comprehensive emergency  
41 management plan. The commission shall report all revisions to such plan  
42 by March thirty-first of each year to the governor, the legislature and  
43 the chief judge of the state, unless a current version of the plan is  
44 available to the public on the website of the division of homeland secu-  
45 rity and emergency services. In preparing such plans, the commission  
46 shall consult with federal and local officials, emergency service organ-  
47 izations including both volunteer and commercial emergency response  
48 organizations, PRIVATE AGENCIES, RISK MANAGERS and the public as it  
49 deems appropriate. To the extent such plans impact upon administration  
50 of the civil and criminal justice systems of the state, including their  
51 operational and fiscal needs in times of disaster emergency, the commis-  
52 sion, its staff and any working group, task force, agency or other  
53 instrumentality to which it may delegate responsibility to assist it in  
54 its duties shall consult with the chief administrator of the courts and  
55 coordinate their preparation with him or her or with his or her repre-  
56 sentatives;

1 d. prepare, keep current and distribute to chief executives, PRIVATE  
2 AGENCIES, BUSINESS ORGANIZATIONS, and others an inventory of programs  
3 directly relevant to prevention, minimization of damage, readiness,  
4 operations during disasters, and recovery following disasters;

5 e. direct state disaster operations and coordinate state disaster  
6 operations with local AND PRIVATE AGENCY disaster operations following  
7 the declaration of a state disaster emergency;

8 f. (1) unless it deems it unnecessary, create, following the declara-  
9 tion of a state disaster emergency, a temporary organization in the  
10 disaster area to provide for integration and coordination of efforts  
11 among the various federal, state, municipal and private agencies  
12 involved. The commission, upon a request from a municipality and with  
13 the approval of the governor, shall direct the temporary organization to  
14 assume direction of the local disaster operations of such municipality,  
15 AND COOPERATE WITH PRIVATE AGENCY DISASTER OPERATIONS for a specified  
16 period of time not to exceed thirty days, and in such cases such tempo-  
17 rary organization shall assume direction of such local disaster oper-  
18 ations, AND COOPERATE WITH PRIVATE AGENCY DISASTER OPERATIONS subject to  
19 the supervision of the commission. Upon the expiration of the thirty day  
20 period the commission, at the request of the municipality, may extend  
21 the temporary organization's direction of such local disaster  
22 operations, AND COOPERATE WITH PRIVATE AGENCY DISASTER OPERATIONS for  
23 additional periods not to exceed thirty days. The commission, upon a  
24 finding that a municipality is unable to manage local disaster oper-  
25 ations, may, with the approval of the governor, direct the temporary  
26 organization to assume direction of the local AND PRIVATE AGENCY disas-  
27 ter operations of such municipality, for a specified period of time not  
28 to exceed thirty days, and in such cases such temporary organization  
29 shall assume direction of such local AND PRIVATE AGENCY disaster oper-  
30 ations, subject to the supervision of the commission. Upon expiration of  
31 the thirty day period the commission, after consultation with the muni-  
32 cipality, and with the approval of the governor, may extend the tempo-  
33 rary organization's direction of such local AND PRIVATE AGENCY disaster  
34 operations for additional periods not to exceed thirty days. In such  
35 event, such temporary organization may utilize such municipality's local  
36 resources, provided, however, that the state shall not be liable for any  
37 expenses incurred in using such municipality's resources. The state  
38 shall not be liable for the expenses incurred in using third party,  
39 non-state resources deployed to the affected area by the temporary  
40 organization, which are necessary to protect life and safety;

41 (2) The state incident management team shall have the authority to act  
42 as the operational arm of the temporary organization. When called to  
43 duty and deployed by the state, members of any state or local incident  
44 management team shall be deemed temporary employees of the state and  
45 shall have the same privileges and immunities afforded to regular state  
46 employees, subject to the rules and regulations promulgated by the pres-  
47 ident of the state civil service commission pursuant to section one  
48 hundred sixty-three of the civil service law;

49 g. assist in the coordination of federal recovery efforts and coordi-  
50 nate recovery assistance by state and private agencies;

51 h. provide for periodic briefings, drills, exercises or other means to  
52 assure that all state, MUNICIPAL AND PRIVATE AGENCY personnel with  
53 direct, SUPERVISORY OR IMPLEMENTATION responsibilities in the event of a  
54 disaster are fully familiar with response and recovery plans and the  
55 manner in which they shall carry out their responsibilities, and coordi-  
56 nate with federal, local, PRIVATE AGENCY or other state personnel. Such

activities may take place on a regional or county basis, and local, PRIVATE AGENCY and federal participation shall be invited and encouraged;

i. submit to the governor, the legislature and the chief judge of the state by March thirty-first of each year an annual report which shall include but need not be limited to:

(1) a summary of commission, MUNICIPAL, PRIVATE AGENCY and state agency activities for the year and plans for the ensuing year with respect to the duties and responsibilities of the commission;

(2) recommendations on ways to improve state, PRIVATE AGENCY and local capability to prevent, prepare for, respond to and recover from disasters;

(3) the status of the state, PRIVATE AGENCY and local plans for disaster preparedness and response, including the name of any locality OR PRIVATE AGENCY which has failed or refused to develop and implement its own disaster preparedness plan and program; and the extent to which all forms of local AND PRIVATE AGENCY emergency response assets have been included, and accounted for in planning and preparation for disaster preparedness and response; [and]

j. develop public service announcements to be distributed to television and radio stations and other media throughout the state informing the public how to prepare and respond to disasters. Such public service announcements shall be distributed in English and such other languages as such commission deems appropriate[.]; AND

K. THE COMMISSION SHALL WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE OCCURRENCE OF A NATURAL DISASTER, EVALUATE THE EFFECTIVENESS OF THE STATE AND LOCAL EMERGENCY MANAGEMENT PLANS, AND THOSE PLANS ESTABLISHED BY PRIVATE AGENCIES THAT WERE ACTIVATED IN RESPONSE TO SUCH NATURAL DISASTER. IN EVALUATING ALL OF SUCH PLANS, THE REPORT OF THE COMMISSION MAY CONSIDER:

(1) THE OVERALL EFFECTIVENESS OF THE STATE EMERGENCY MANAGEMENT PLAN AND HOW IT INTERFACED WITH EACH LOCAL EMERGENCY MANAGEMENT PLAN AND THE PLANS ESTABLISHED BY PRIVATE AGENCIES, AS SUCH PLANS RELATED TO: MITIGATION OF THE LOSS OF HUMAN LIFE AND DAMAGE TO PROPERTY, RESCUE AND RESPONSE TIMES BY EMERGENCY RESPONDERS, ABILITY FOR EACH PLAN TO COORDINATE ITS EFFORTS WITH ALL OTHER EMERGENCY MANAGEMENT PLANS, AND CAPACITY FOR EACH ADMINISTRATOR OF THE STATE, LOCAL AND PRIVATE AGENCY PLANS TO EFFECTIVELY COMMUNICATE WITH EACH OTHER, PERSONNEL UNDER THE DIRECTION OF OTHER JURISDICTIONS, THE GENERAL PUBLIC AND THOSE LOCATED OUTSIDE OF THE DISASTER AREA;

(2) THE EFFECTIVENESS OF EACH INDIVIDUAL PLAN TO SATISFY THE ARTICULATED GOALS OF SUCH PLAN AS IT RELATES TO THE ANTICIPATED TIME IN WHICH SUCH PLAN WAS ACTIVATED, WHETHER SUCH PLAN SHOULD HAVE BEEN ACTIVATED AT AN EARLIER OR LATER TIME, OVERALL EMERGENCY RESPONSE TIMES BY COMPONENT PARTS OF SUCH PLAN, TO MITIGATE OR CURTAIL THE LOSS OF TARGETED MUNICIPAL OR PRIVATE AGENCY SERVICES, TO REINSTATE SUCH MUNICIPAL OR PRIVATE AGENCY SERVICES AFTER THE OCCURRENCE OF SUCH DISASTER, THE EFFECTIVENESS OF PERSONNEL COVERED UNDER SUCH PLAN, INCLUDING, BUT NOT LIMITED TO ADEQUATE TRAINING AND PERFORMANCE OF ASSIGNED TASKS BY SUCH PERSONNEL; AND

(3) THE OVERALL STRENGTHS AND WEAKNESSES OF EACH EMERGENCY MANAGEMENT PLAN, ITS SHORTCOMINGS AND ITEMS THAT COULD BE IMPROVED UPON TO BETTER SATISFY THE ARTICULATED GOALS OF SUCH PLAN AND IMPROVE THE EFFECTIVENESS AND COOPERATIVE EFFORTS WITH AND BY OTHER ACTIVATED EMERGENCY MANAGEMENT PLANS TO BE BETTER PREPARED FOR FUTURE DISASTERS.

1 AFTER THE COMPLETION OF SUCH EVALUATION, THE COMMISSION SHALL REPORT  
2 ITS FINDINGS AND RECOMMENDATIONS DERIVED FROM THE EVALUATION TO THE  
3 GOVERNOR, THE LEGISLATURE, APPROPRIATE EMERGENCY MANAGEMENT AGENCY AND  
4 THE STATES WHICH COOPERATE WITH THE STATE OF NEW YORK FOR THE PURPOSES  
5 OF THIS ARTICLE.

6 4. All powers of the state civil defense commission are assigned to  
7 the commission.

8 5. The [state] office of emergency management within the division of  
9 homeland security and emergency services shall serve as the operational  
10 arm of the commission and shall be responsible for implementing  
11 provisions of this article and the rules and policies adopted by the  
12 commission. The director of the [state] office of emergency management  
13 within the division of homeland security and emergency services shall  
14 exercise the authority given to the disaster preparedness commission in  
15 section twenty-nine of this article, to coordinate and direct state  
16 agencies and assets in response to a state OR LOCAL disaster emergency,  
17 through their respective agency heads, on behalf of the governor and the  
18 chair of the disaster preparedness commission, when the governor, the  
19 lieutenant governor, and the chair of the disaster preparedness commis-  
20 sion are incapacitated or without an available means of reliable commu-  
21 nication with the [state] office of emergency management. If the direc-  
22 tor of the [state] office of emergency management is unable to exercise  
23 this authority, then the executive deputy commissioner of the division  
24 of homeland security and emergency services shall act in [this] SUCH  
25 capacity. In the event that the executive deputy commissioner is unable  
26 to exercise [this] SUCH authority, then such authority shall be exer-  
27 cised by the official willing and able to do so in the following order:  
28 the superintendent of [the division of] state police; the state fire  
29 administrator; or the director of the office of counterterrorism within  
30 the division of homeland security and emergency services. Nothing in  
31 this subdivision shall be construed to limit the authority of the gover-  
32 nor, lieutenant governor, or the chair of the disaster preparedness  
33 commission to oversee the director of the [state] office of emergency  
34 management within the division of homeland security and emergency  
35 services or any official exercising authority given to the disaster  
36 preparedness commission in section twenty-nine of this article.

37 S 5. Section 22 of the executive law, as added by chapter 640 of the  
38 laws of 1978, subdivision 3 as amended by section 3 of part B of chapter  
39 56 of the laws of 2010, is amended to read as follows:

40 S 22. State disaster preparedness plans. 1. The commission shall  
41 prepare a state disaster preparedness plan and submit such plan to the  
42 governor for approval no later than one year following the effective  
43 date of this [act] ARTICLE. The governor shall act upon such plan by  
44 July first of that year. The commission shall review such plans annual-  
45 ly.

46 2. The purpose of such plans shall be to minimize the effects of  
47 disasters by: (i) identifying appropriate measures to prevent disasters,  
48 (ii) developing mechanisms to coordinate the use of resources and  
49 manpower for service during and after disaster emergencies and the  
50 delivery of services to aid citizens and reduce human suffering result-  
51 ing from a disaster, and (iii) provide for recovery and redevelopment  
52 after disaster emergencies.

53 3. Such plans shall be prepared with such assistance from [other] SUCH  
54 MUNICIPAL AND PRIVATE agencies AND RISK MANAGERS as the commission deems  
55 necessary, and shall include, but not be limited to:

1 a. Disaster prevention and mitigation. Plans to prevent and minimize  
2 the effects of disasters shall include, but not be limited to:

3 (1) COMPREHENSIVE identification of hazards [and], assessment of  
4 [risk] RISKS AND PREVENTION OR MITIGATION OF SUCH RISKS;

5 (2) recommended disaster prevention and mitigation projects, policies,  
6 priorities, PERSONNEL TRAINING and programs, with suggested implementa-  
7 tion schedules, which outline federal, state, PRIVATE AGENCY and local  
8 roles;

9 (3) suggested revisions and additions to building and safety codes,  
10 and zoning, COASTAL AREA, INLAND WATERWAY AREA and other land use  
11 programs TO PROTECT AND MITIGATE FUTURE RISKS POSED TO THE STATE'S  
12 TRANSPORTATION, UTILITY AND TELECOMMUNICATIONS INFRASTRUCTURE;

13 (4) suggested ways in which state agencies can provide technical  
14 assistance to municipalities AND PRIVATE AGENCIES in the development of  
15 local disaster prevention and mitigation plans and programs;

16 (5) such other measures as reasonably can be taken to protect lives,  
17 prevent disasters, and reduce the impact of disasters.

18 b. Disaster response. Plans to coordinate the use of resources and  
19 manpower for service during and after disaster emergencies, ENHANCE OR  
20 PRESERVE COMMUNICATIONS CAPABILITIES BETWEEN AFFECTED ORGANIZATIONS AND  
21 THE GENERAL PUBLIC, and to deliver services to aid citizens and reduce  
22 human suffering resulting from a disaster emergency shall include, but  
23 not be limited to:

24 (1) coordination of resources, manpower and services, using recognized  
25 practices in incident management and utilizing existing organizations  
26 and lines of authority and centralized direction of requests for assist-  
27 ance;

28 (2) the location, procurement, construction, processing, transporta-  
29 tion, storing, maintenance, renovation, distribution, disposal or use of  
30 materials, including those donated, and facilities and services;

31 (3) a system for warning AND COMMUNICATING WITH populations who are or  
32 may be endangered;

33 (4) arrangements for activating state, municipal, PRIVATE AGENCY and  
34 volunteer forces, through normal chains of command so far as possible  
35 and for continued communication and reporting;

36 (5) a specific plan for rapid and efficient communication, and for the  
37 integration of state communication facilities during a state disaster  
38 emergency, including the assignment of responsibilities and the estab-  
39 lishment of communication priorities, and liaison with municipal,  
40 private and federal communication facilities;

41 (6) a plan for coordinated evacuation procedures, including the estab-  
42 lishment of temporary housing OR EMERGENCY SHELTERS, and other necessary  
43 facilities FOR DISPLACED INDIVIDUALS AND FAMILIES. SUCH TEMPORARY HOUS-  
44 ING AND EMERGENCY SHELTERS SHALL PROVIDE ADEQUATE PROTECTION FROM THE  
45 ELEMENTS, FOOD, HEATING, COOLING AND VENTILATION, AND NECESSARY MEDICAL  
46 CARE;

47 (7) criteria for establishing priorities with respect to the restora-  
48 tion of vital services and debris removal;

49 (8) plans for the continued effective operation of the civil and crim-  
50 inal justice systems;

51 (9) provisions for training state, PRIVATE AGENCY and local government  
52 personnel and volunteers in disaster response operations;

53 (10) providing information to the public;

54 (11) care for the injured and needy and identification and disposition  
55 of the dead;



(12) utilization and coordination of programs to assist victims of disasters, with particular attention to the needs of the poor, THE DISPLACED, FAMILIES WITH CHILDREN, the elderly, individuals with disabilities and other groups which may be especially affected;

(13) control of ingress and egress to and from a disaster area;

(14) arrangements to administer federal disaster assistance;

(15) a system for obtaining and coordinating situational awareness including the centralized assessment of disaster effects and resultant needs; and

(16) utilization and coordination of programs to assist individuals with household pets and service animals following a disaster, with particular attention to means of evacuation, shelter, FEEDING and transportation options.

c. Recovery. Plans to provide for recovery and redevelopment after disaster emergencies shall include, but not be limited to:

(1) measures to coordinate state AND PRIVATE agency assistance in recovery efforts;

(2) arrangements to administer federal recovery assistance; and

(3) such other measures as reasonably can be taken to assist in the development and implementation of local AND PRIVATE AGENCY disaster recovery plans.

S 6. Section 23 of the executive law, as amended by section 4 of part B of chapter 56 of the laws of 2010, is amended to read as follows:

S 23. Local comprehensive emergency management plans. 1. Each county, except those contained within the city of New York, and each city, town and village is authorized to prepare comprehensive emergency management plans. The disaster preparedness commission AND PRIVATE AGENCIES shall provide assistance and advice for the development of such plans. City, town and village plans shall be coordinated with the county plan.

2. The purpose of such plans shall be to minimize the effect of disasters by (i) identifying appropriate local AND PRIVATE AGENCY measures to prevent disasters, (ii) developing mechanisms to coordinate the use of local AND PRIVATE AGENCY resources and manpower for service during and after disasters and the delivery of services to aid citizens and reduce human suffering resulting from a disaster, and (iii) providing for recovery and redevelopment after disasters.

3. Plans for coordination of resources, manpower and services shall provide for a centralized coordination and direction of requests for assistance.

4. Plans for coordination of assistance shall provide for utilization of existing organizations and lines of authority.

5. In preparing such plans, cooperation, advice and assistance shall be sought from local government officials, regional and local planning agencies, police agencies, fire departments and fire companies, local emergency management agencies, commercial and volunteer ambulance services, health and social services officials, PRIVATE AGENCIES, community action agencies, the chief administrator of the courts, organizations for the elderly and the handicapped, RISK AND INCIDENT MANAGERS, other interested groups and the general public. Such advice and assistance may be obtained through public hearings held on public notice, or through other appropriate methods.

6. All plans for comprehensive emergency management developed by local governments or any revisions thereto shall be submitted to the commission by December thirty-first of each year to facilitate state coordination of disaster operations.

7. Such plans shall include, but not be limited to:

1 a. Disaster prevention and mitigation. Plans to prevent and minimize  
2 the effects of disasters shall include, but not be limited to:

3 (1) COMPREHENSIVE identification of hazards [and], assessment of  
4 [risk] RISKS AND PREVENTION OR MITIGATION OF SUCH RISKS;

5 (2) recommended disaster prevention and mitigation projects, policies,  
6 PERSONNEL TRAINING, priorities and programs, with suggested implementa-  
7 tion schedules, which outline federal, state, PRIVATE AGENCY and local  
8 roles;

9 (3) suggested revisions and additions to building and safety codes and  
10 zoning, COASTAL AREA, INLAND WATERWAY AREA and other land use programs,  
11 TO PROTECT AND MITIGATE FUTURE RISKS POSED TO LOCAL TRANSPORTATION,  
12 UTILITY AND TELECOMMUNICATIONS INFRASTRUCTURE, AND THE NECESSARY TRAIN-  
13 ING OF PERSONNEL TO ENFORCE SUCH PROVISIONS;

14 (4) such other measures as reasonably can be taken to protect lives,  
15 prevent disasters, and reduce their impact.

16 b. Disaster response. Plans to coordinate the use of resources and  
17 manpower for service during and after disasters, ENHANCE OR PRESERVE  
18 COMMUNICATIONS CAPABILITIES BETWEEN AFFECTED ORGANIZATIONS AND THE  
19 GENERAL PUBLIC, and to deliver services to aid citizens and reduce human  
20 suffering resulting from a disaster shall include, but not be limited  
21 to:

22 (1) coordination of resources, manpower and services, using recognized  
23 practices in incident management, utilizing existing organizations and  
24 lines of authority and centralized direction of requests for assistance;

25 (2) the location, procurement, construction, processing, transporta-  
26 tion, storing, maintenance, renovation, distribution, disposal or use of  
27 materials, including those donated, and facilities and services which  
28 may be required in time of disaster;

29 (3) a system for warning AND COMMUNICATING WITH populations who are or  
30 may be endangered;

31 (4) arrangements for activating municipal, PRIVATE AGENCY and volun-  
32 teer forces, through normal chains of command so far as possible, and  
33 for continued communication and reporting;

34 (5) a specific plan for rapid and efficient communication and for the  
35 integration of local communication facilities during a disaster includ-  
36 ing the assignment of responsibilities and the establishment of communi-  
37 cation priorities and liaison with municipal, private, state and federal  
38 communication facilities;

39 (6) a plan for coordination evacuation procedures including the estab-  
40 lishment of temporary housing OR EMERGENCY SHELTERS, and other necessary  
41 facilities FOR DISPLACED INDIVIDUALS AND FAMILIES. SUCH TEMPORARY HOUS-  
42 ING AND EMERGENCY SHELTERS SHALL PROVIDE ADEQUATE PROTECTION FROM THE  
43 ELEMENTS, FOOD, HEATING, COOLING AND VENTILATION, AND NECESSARY MEDICAL  
44 CARE;

45 (7) criteria for establishing priorities with respect to the restora-  
46 tion of vital services and debris removal;

47 (8) plans for the continued effective operation of the civil and crim-  
48 inal justice systems;

49 (9) provisions for training local government AND PRIVATE AGENCY  
50 personnel and volunteers in disaster response operations;

51 (10) providing information to the public;

52 (11) care for the injured and needy and identification and disposition  
53 of the dead;

54 (12) utilization and coordination of programs to assist victims of  
55 disasters, with particular attention to the needs of the poor, THE

DISPLACED, FAMILIES WITH CHILDREN, the elderly, individuals with disabilities and other groups which may be especially affected;

(13) control of ingress and egress to and from a disaster area;

(14) arrangements to administer state and federal disaster assistance;

(15) procedures under which the county, city, town, village or other political subdivision, PRIVATE AGENCY and emergency organization personnel and resources will be used in the event of a disaster;

(16) a system for obtaining and coordinating disaster information including the centralized assessment of local disaster effects and resultant needs;

(17) continued operation of governments of political subdivisions; and

(18) utilization and coordination of programs to assist individuals with household pets and service animals following a disaster, with particular attention to means of evacuation, shelter and transportation options.

c. Recovery. Local plans to provide for recovery and redevelopment after disasters shall include, but not be limited to:

(1) recommendations for replacement, reconstruction, removal or relocation of damaged or destroyed public or private facilities INCLUDING, BUT NOT LIMITED TO, ROADS, RAILWAYS, AIRPORTS, TELECOMMUNICATIONS, PUBLIC UTILITIES AND HEALTH CARE FACILITIES, proposed new or amendments to zoning, subdivision, building, COASTAL AREA, INLAND WATERWAY AREA, sanitary or fire prevention regulations and recommendations for economic development and community development in order to minimize the impact of any potential future disasters on the community.

(2) provision for cooperation with state and federal agencies in recovery efforts.

(3) provisions for training and educating local disaster officials or organizations AND PRIVATE AGENCIES in the preparation of applications for federal and state disaster recovery assistance.

S 7. Subdivisions 2 and 5 of section 23-a of the executive law, as added by chapter 658 of the laws of 1996, are amended to read as follows:

2. Upon the establishment of a voluntary registry of disabled persons as provided in subdivision one of this section, the chief executive shall make such registry available to the appropriate county, PRIVATE, state and federal agencies for their use in delivering services in the event of a local or state disaster. The chief executive shall, upon the request of the [state] OFFICE OF emergency management [office], provide such registry information to such office. The chief executive may, at his OR HER discretion, use the registry information for local disaster preparedness only in coordination with other political subdivisions of the state.

5. All community-based services providers, including home health care providers AND PRIVATE AGENCIES, shall assist the chief executive by collecting registration information for people with special needs as part of program intake processes, establishing programs to increase the awareness of the registration process, and educating clients about the procedures that may be necessary for their safety during disasters.

S 8. Section 23-b of the executive law, as added by chapter 589 of the laws of 2008, subdivision 4 as added by chapter 115 of the laws of 2010, is amended to read as follows:

S 23-b. [Nursing home and assisted living] HEALTH CARE facility plans.

1. After consultation with the commissioner of health, the director of the office for the aging, and the [director] COMMISSIONER of the [state office] DIVISION of homeland security AND EMERGENCY SERVICES, AND

1 CONSISTENT WITH THE DISASTER PREPAREDNESS PLAN ESTABLISHED PURSUANT TO  
2 SECTION TWENTY-EIGHT HUNDRED SIX-C OF THE PUBLIC HEALTH LAW, the commis-  
3 sion shall establish standards for [nursing homes, adult homes, enriched  
4 housing programs and assisted living residences] HEALTH CARE FACILITIES  
5 regarding disaster preparedness.

6 2. Each such facility shall be assisted in the establishment of a  
7 disaster preparedness plan. The plan shall include, but not be limited  
8 to, the following:

9 (a) Maintaining a supply of food, water and to the extent deemed  
10 necessary and feasible in the reasonable judgment of the operator of the  
11 facility, THE PROVISION OF MEDICAL CARE AND medication in reserve in the  
12 event that obtaining such items should become difficult or impossible.

13 (b) [In the reasonable judgment of the facility, having] HAVING access  
14 to a generator or generators OR ALTERNATIVE SOURCES sufficient to supply  
15 electrical power AND TELECOMMUNICATIONS CAPABILITIES to the facility.

16 (c) Establishing an evacuation plan for residents AND/OR PATIENTS  
17 including an alternative site suitable for temporary use.

18 (d) Establishing [staffing] plans WHICH PROVIDE FOR NECESSARY STAFFING  
19 during a disaster.

20 3. Such plans shall be [made available to] FILED WITH the county emer-  
21 gency management office AND THE COMMISSION.

22 4. Nothing in this section shall be deemed to modify or override any  
23 requirements in regulations duly promulgated by a state agency, or to  
24 limit any lawful authority of a state agency to promulgate regulations,  
25 with respect to disaster preparedness of such facilities, the contents  
26 of their disaster preparedness plans or the process for approval of  
27 those plans.

28 S 9. Section 23-c of the executive law, as added by chapter 415 of the  
29 laws of 2009, is amended to read as follows:

30 S 23-c. Consistency among local disaster preparedness plans. 1. The  
31 local disaster preparedness plans for each county, city, town, [or]  
32 village OR PRIVATE AGENCY shall be so developed that no part of the  
33 local disaster preparedness plan of any county or any city, town, [or]  
34 village OR PRIVATE AGENCY within such county conflicts with any part of  
35 the local disaster preparedness plan of any of the other said entities  
36 within such county or such county itself. In the event of any such  
37 conflict, such conflict shall be resolved by such county. The provisions  
38 of this subdivision shall not apply to a city wholly containing more  
39 than one county or to any county wholly contained within any such city.

40 2. In the event that any part of the local disaster preparedness plan  
41 of any county or any city, town, [or] village OR PRIVATE AGENCY within  
42 such county conflicts with any part of the local disaster preparedness  
43 plan of any other county or any city, town, [or] village OR PRIVATE  
44 AGENCY within any such other county, such conflict shall be resolved by  
45 the [state] OFFICE OF emergency management [office], as defined in para-  
46 graph (e) of subdivision one of section twenty-nine-e of this article.  
47 The provisions of this subdivision shall not apply to any county wholly  
48 contained within a city wholly containing more than one county. Any city  
49 wholly containing more than one county shall be subject to the  
50 provisions of this subdivision as if it were a county.

51 3. [Said state] THE OFFICE OF emergency management [office] is hereby  
52 authorized and directed to promulgate any rules or regulations or take  
53 any other measures necessary to effectuate the provisions of this  
54 section.

1 S 10. Subdivisions 3 and 4 of section 25 of the executive law, as  
2 added by chapter 640 of the laws of 1978, are amended to read as  
3 follows:

4 3. A chief executive may also request and accept assistance from any  
5 other political subdivision OR PRIVATE AGENCY and may receive therefrom  
6 and utilize any real or personal property or the service of any person-  
7 nel thereof on such terms and conditions as may be mutually agreed to by  
8 the chief executives of the requesting and assisting political subdivi-  
9 sions AND THE HEAD OF THE PRIVATE AGENCY.

10 4. Upon the receipt of a request for assistance made pursuant to  
11 subdivision two or three of this section, the chief executive of any  
12 political subdivision OR PRIVATE AGENCY may give, lend or lease, on such  
13 terms and conditions as he OR SHE may deem necessary to promote the  
14 public welfare and protect the interests of such political subdivision  
15 OR PRIVATE AGENCY, any services, equipment, facilities, supplies or  
16 other resources of his OR HER political subdivision OR PRIVATE AGENCY.  
17 Any lease or loan of real or personal property pursuant to this subdivi-  
18 sion, or any transfer of personnel pursuant hereto, shall be only for  
19 the purpose of assisting a political subdivision in emergency relief,  
20 reconstruction, or rehabilitation made necessary by the disaster.

21 S 11. Subdivisions 2 and 3 of section 28-a of the executive law, as  
22 amended by chapter 641 of the laws of 1978, are amended to read as  
23 follows:

24 2. The commission AND PRIVATE AGENCIES shall provide technical assist-  
25 ance in the development of such plans upon the request of such county,  
26 city, town or village.

27 3. A local recovery and redevelopment plan shall include, but need not  
28 be limited to: plans for replacement, reconstruction, removal or relo-  
29 cation of damaged or destroyed facilities AND PUBLIC UTILITIES; proposed  
30 new or amended regulations such as zoning, subdivision, building, COAS-  
31 TAL AREA, INLAND WATERWAY AREA or sanitary ordinances and codes; THE  
32 PLANS OF PRIVATE AGENCIES RELATED TO DISASTER RECOVERY AND REDEVELOP-  
33 MENT; and plans for economic recovery and community development. Such  
34 plans shall take into account and to the extent practicable incorporate  
35 relevant existing plans and policies and such plans shall take into  
36 account the need to minimize the potential impact of any future disas-  
37 ters on the community.

38 S 12. Section 29 of the executive law, as added by chapter 640 of the  
39 laws of 1978, is amended to read as follows:

40 S 29. Direction of state agency assistance in a disaster emergency.  
41 Upon the declaration of a state disaster emergency the governor may  
42 direct any and all agencies of the state government AND REQUEST COOPER-  
43 ATION FROM PRIVATE AGENCIES to provide assistance under the coordination  
44 of the disaster preparedness commission. Such state assistance may  
45 include: (1) utilizing, lending, or giving to political subdivisions,  
46 with or without compensation therefor, equipment, supplies, facilities,  
47 services of state OR PRIVATE AGENCY personnel, and other resources,  
48 other than the extension of credit; (2) distributing medicine, medical  
49 supplies, food and other consumable supplies through any public or  
50 private agency authorized to distribute the same; (3) performing on  
51 public or private lands temporary emergency work essential for the  
52 protection of public health and safety, clearing debris and wreckage,  
53 making emergency repairs to and temporary replacements of public facili-  
54 ties of political subdivisions OR PUBLIC UTILITIES damaged or destroyed  
55 as a result of such disaster; and (4) making such other use of their

1 facilities, equipment, supplies and personnel as may be necessary to  
2 assist in coping with the disaster or any emergency resulting therefrom.

3 S 13. Section 29-a of the executive law, as added by chapter 640 of  
4 the laws of 1978, subdivision 1 as amended by section 7 of part G of  
5 chapter 55 of the laws of 2012, is amended to read as follows:

6 S 29-a. Suspension of other laws. 1. Subject to the state constitu-  
7 tion, the federal constitution and federal statutes and regulations, the  
8 governor may by executive order temporarily suspend specific provisions  
9 of any statute, local law, ordinance, [or] orders, rules or regulations,  
10 or parts thereof, of any agency during a state disaster emergency, if  
11 compliance with such provisions would prevent, hinder, or delay action  
12 necessary to cope with OR RECOVER FROM the disaster.

13 2. Suspensions pursuant to subdivision one of this section shall be  
14 subject to the following standards and limits:

15 a. no suspension shall be made for a period in excess of [thirty]  
16 SIXTY days, provided, however, that upon reconsideration of all of the  
17 relevant facts and circumstances, the governor may extend the suspension  
18 for additional periods not to exceed thirty days each;

19 b. no suspension shall be made which does not safeguard the health and  
20 welfare of the public and which is not reasonably necessary to the  
21 disaster effort;

22 c. any such suspension order shall specify the statute, local law,  
23 ordinance, order, rule or regulation or part thereof to be suspended and  
24 the terms and conditions of the suspension;

25 d. the order may provide for such suspension only under particular  
26 circumstances, and may provide for the alteration or modification of the  
27 requirements of such statute, local law, ordinance, order, rule or regu-  
28 lation suspended, and may include other terms and conditions;

29 e. any such suspension order shall provide for the minimum deviation  
30 from the requirements of the statute, local law, ordinance, order, rule  
31 or regulation suspended consistent with the disaster action deemed  
32 necessary; and

33 f. when practicable, specialists shall be assigned to assist with the  
34 related emergency AND RECOVERY actions to avoid needless adverse effects  
35 resulting from such suspension.

36 3. Such suspensions shall be effective from the time and in the manner  
37 prescribed in such orders and shall be published as soon as practicable  
38 in the state bulletin.

39 4. The legislature may terminate by concurrent resolution executive  
40 orders issued under this section at any time.

41 S 14. Subdivision 1 of section 29-b of the executive law, as amended  
42 by section 7 of part B of chapter 56 of the laws of 2010, is amended to  
43 read as follows:

44 1. The governor may, in his or her discretion, direct the state  
45 disaster preparedness commission to conduct an emergency exercise or  
46 drill, under its direction, in which all or any of the personnel and  
47 resources of the agencies of [the commission of] the state AND IN COOP-  
48 ERATION WITH PRIVATE AGENCIES may be utilized to perform the duties  
49 assigned to them in a disaster, for the purpose of protecting and  
50 preserving human life or property in a disaster. During a disaster or  
51 such drill or exercise, disaster emergency response personnel in the  
52 state shall operate under the direction and command of the chair of such  
53 commission, and shall possess the same powers, duties, rights, privi-  
54 leges and immunities as are applicable in a civil defense drill held at  
55 the direction of the state civil defense commission under the provisions  
56 of the New York state defense emergency act.

1 S 15. Subdivision 1 of section 29-e of the executive law, as added by  
2 chapter 603 of the laws of 1993, paragraph (e) as amended by section 8  
3 of part B of chapter 56 of the laws of 2010, is amended to read as  
4 follows:

5 1. For purposes of this section the following terms shall have the  
6 following meanings:

7 (a) "Infrastructure" shall mean and include publicly owned storm and  
8 sanitary sewers, water supply systems, drainage systems, PUBLIC UTILI-  
9 TIES, transportation systems, roads and bridges.

10 (b) "Municipality" shall mean any county, city, village, or town of  
11 the state.

12 (c) "Public facilities" shall mean and include publicly owned build-  
13 ings, including traditional government buildings, such as courthouses,  
14 firehouses, police stations, parks, recreational facilities, and correc-  
15 tional facilities.

16 (d) "Fund" shall mean the state's contingency reserve fund established  
17 by law.

18 (e) ["The office] "OFFICE of emergency management" shall mean the  
19 office OF EMERGENCY MANAGEMENT within the division of homeland security  
20 and emergency services.

21 S 16. Subparagraph 1 of paragraph (b) of subdivision 3 of section 29-g  
22 of the executive law, as added by chapter 299 of the laws of 2001, is  
23 amended to read as follows:

24 (1) A description of the emergency service function for which assist-  
25 ance is needed, such as, but not limited to, fire services, law enforce-  
26 ment, emergency medical, transportation, communications, public works  
27 and engineering, building inspection, planning and information assist-  
28 ance, mass care, PROVISION OF SHELTER TO DISPLACED INDIVIDUALS AND FAMI-  
29 LIES, resource support, health and medical services, and search and  
30 rescue.

31 S 17. Subdivision 1 of section 377 of the executive law, as amended by  
32 chapter 309 of the laws of 1996, is amended to read as follows:

33 1. The council shall formulate a uniform fire prevention and building  
34 code which shall take effect on the first day of January, nineteen  
35 hundred eighty-four. The council may from time to time amend particular  
36 provisions of the uniform code and shall periodically review the entire  
37 code to assure that it effectuates the purposes of this article and the  
38 specific objectives and standards hereinafter set forth. IN THE FORMU-  
39 LATION OF SUCH CODE, BOTH THE COUNCIL AND SECRETARY, IN CONSULTATION  
40 WITH THE DISASTER PREPAREDNESS COMMISSION, MAY ESTABLISH STANDARDS WHICH  
41 PROVIDE FOR THE OPTIMAL SURVIVABILITY OF ALL BUILDINGS, INCLUDING COMMU-  
42 NITY BUILDINGS AND FACILITIES, IN THE CASE OF A DISASTER, PARTICULARLY  
43 THOSE COMMUNITY BUILDINGS AND FACILITIES LOCATED IN COASTAL AREAS AND  
44 INLAND WATERWAY AREAS THAT MAY BE USED AS EMERGENCY SHELTERS, COMMAND  
45 CENTERS OR TO RESPOND TO A NATURAL DISASTER. FURTHERMORE, THE UNIFORM  
46 CODE SHALL ESTABLISH STANDARDS FOR THE SURVIVABILITY AND OPERATION OF  
47 BACK-UP GENERATORS AND ALTERNATIVE ELECTRICITY SOURCES FOR HOSPITALS AND  
48 RESIDENTIAL HEALTH CARE FACILITIES DURING A DISASTER. The secretary  
49 shall conduct public hearings on said uniform code and any amendment  
50 thereto. The secretary shall review such code or amendment, together  
51 with any changes incorporated by the council as a result of such hear-  
52 ings, to insure that it effectuates the purposes of this article. Upon  
53 being so satisfied, the secretary shall approve said code or amendment  
54 prior to its becoming effective.

1 S 18. Subdivision 1 of section 713 of the executive law, as amended by  
2 section 16 of part B of chapter 56 of the laws of 2010, is amended to  
3 read as follows:

4 1. Notwithstanding any other provision of law, the commissioner of the  
5 division of homeland security and emergency services shall conduct a  
6 review and analysis of measures being taken by the public service  
7 commission and any other agency or authority of the state or any poli-  
8 tical subdivision thereof and, to the extent practicable, of any federal  
9 entity, to protect the security of critical infrastructure related to  
10 energy generation and transmission located within the state BOTH DURING  
11 TIMES OF NORMAL OPERATIONS, AND BEFORE, DURING AND AFTER THE OCCURRENCE  
12 OF VARIOUS TYPES OF NATURAL DISASTERS. The commissioner of the division  
13 of homeland security and emergency services shall have the authority to  
14 review any audits or reports related to the security of such critical  
15 infrastructure, including audits or reports conducted at the request of  
16 the public service commission or any other agency or authority of the  
17 state or any political subdivision thereof or, to the extent practica-  
18 ble, of any federal entity. The owners and operators of such energy  
19 generating or transmission facilities shall, in compliance with any  
20 federal and state requirements regarding the dissemination of such  
21 information, provide access to the commissioner of the division of home-  
22 land security and emergency services to such audits or reports regarding  
23 such critical infrastructure provided, however, that exclusive custody  
24 and control of such audits and reports shall remain solely with the  
25 owners and operators of such energy generating or transmission facili-  
26 ties. For the purposes of this article, the term "critical infrastruc-  
27 ture" has the meaning ascribed to that term in subdivision five of  
28 section eighty-six of the public officers law.

29 S 19. The public service law is amended by adding two new sections 5-a  
30 and 5-c to read as follows:

31 S 5-A. NATURAL DISASTER PREPAREDNESS. 1. EVERY UTILITY COMPANY, WIRE-  
32 LESS COMMUNICATIONS SERVICE PROVIDER AND CABLE TELEVISION COMPANY SHALL  
33 FILE A NATURAL DISASTER PREPAREDNESS PLAN WITH THE COMMISSION FOR ITS  
34 APPROVAL, AND PERIODICALLY UPDATE SUCH PLAN AS SHALL BE PROVIDED FOR BY  
35 THE COMMISSION. EACH SUCH PLAN AND UPDATE THEREOF SHALL SPECIFY THE  
36 PERSONNEL AND RESOURCES THAT WILL BE UTILIZED IN THE EVENT OF A DISAS-  
37 TER, AND VARIOUS ACTION PLANS TO BE UNDERTAKEN IN THE EVENT OF VARIOUS  
38 TYPES OF NATURAL DISASTERS. UPON THE APPROVAL OF SUCH PLAN, THE COMMIS-  
39 SION SHALL FORWARD A COPY OF EACH SUCH PLAN TO THE DISASTER PREPAREDNESS  
40 COMMISSION AND EACH OF THE APPROPRIATE LOCALITIES WHICH HAVE ADOPTED A  
41 LOCAL COMPREHENSIVE EMERGENCY MANAGEMENT PLAN.

42 2. THE COMMISSION MAY ESTABLISH INDUSTRY SPECIFIC STANDARDS FOR  
43 ACCEPTABLE PERFORMANCE OF EACH UTILITY, REQUIRED TO ESTABLISH AND FILE A  
44 NATURAL DISASTER PREPAREDNESS PLAN PURSUANT TO SUBDIVISION ONE OF THIS  
45 SECTION, IN THE EVENT OF A NATURAL DISASTER TO PROTECT PUBLIC HEALTH AND  
46 SAFETY OF ITS RATEPAYERS AND THE GENERAL PUBLIC, TO ENSURE THE RELIABIL-  
47 ITY OF SUCH UTILITY'S SERVICES TO PREVENT AND MINIMIZE THE NUMBER OF  
48 SERVICE OUTAGES OR DISRUPTIONS, AND TO REDUCE THE DURATION OF SUCH  
49 OUTAGES AND DISRUPTIONS, AND TO FACILITATE RESTORATION OF SUCH SERVICES  
50 AFTER SUCH OUTAGES OR DISRUPTIONS. THE COMMISSION MAY UTILIZE, IN RATE  
51 SETTING PROCEEDINGS, TO RECOVER THE REASONABLE COSTS INCURRED TO MAIN-  
52 TAIN OR IMPROVE THE RESILIENCY OF THE UTILITY'S INFRASTRUCTURE NECESSARY  
53 TO COMPLY WITH THE STANDARDS ESTABLISHED PURSUANT TO THIS SUBDIVISION.

54 3. THE STANDARDS ESTABLISHED BY THE COMMISSION SHALL INCLUDE:

55 (A) THE ESTABLISHMENT OF A COMMUNICATIONS PLAN BETWEEN EACH UTILITY  
56 AND ITS CUSTOMERS, INCLUDING DURING OTHER THAN NORMAL BUSINESS HOURS;



(B) THE ESTABLISHMENT OF COMMUNICATION AND COORDINATION PROTOCOLS DEFINING INTERACTIONS BETWEEN EACH UTILITY AND STATE, LOCAL AND PRIVATE EMERGENCY MANAGEMENT ORGANIZATIONS, RELATING TO EMERGENCY PREPARATION, ROADWAY CLEARING AND THE ESTABLISHMENT OF RESTORATION PRIORITIES; AND

(C) ANY OTHER STANDARDS FOR ACCEPTABLE PERFORMANCE BY A UTILITY TO ENSURE THE RELIABILITY OF SERVICES BEFORE, DURING AND AFTER A NATURAL DISASTER, TO PREVENT AND MINIMIZE ANY SERVICE OUTAGES OR DISRUPTIONS.

S 5-C. NATURAL DISASTER PREPAREDNESS PLAN EVALUATION. THE COMMISSION SHALL WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE OCCURRENCE OF A STATE DISASTER EMERGENCY OR A LOCAL STATE OF EMERGENCY CAUSED BY A NATURAL DISASTER, AND SUBJECT TO SUCH PUBLIC HEARINGS AS IT SHALL DETERMINE TO BE NECESSARY, EVALUATE THE EFFECTIVENESS OF NATURAL DISASTER PREPAREDNESS PLANS, ADOPTED PURSUANT TO SECTION FIVE-A OF THIS ARTICLE, WHICH WERE IMPLEMENTED DURING SUCH DISASTER. IN EVALUATING ALL SUCH PLANS, THE REPORT OF THE COMMISSION SHALL CONSIDER:

1. THE OVERALL EFFECTIVENESS OF EACH NATURAL DISASTER PREPAREDNESS PLAN AND HOW IT INTERFACED WITH THE STATE EMERGENCY MANAGEMENT PLAN AND WITH EACH LOCAL EMERGENCY MANAGEMENT PLAN, AS SUCH PLANS RELATED TO: MITIGATION OF THE LOSS OF HUMAN LIFE AND DAMAGE TO PROPERTY, RESCUE AND RESPONSE TIMES BY EMERGENCY RESPONDERS, ABILITY FOR EACH PLAN TO COORDINATE ITS EFFORTS WITH ALL OTHER EMERGENCY MANAGEMENT PLANS, THE CAPACITY OF THE PUBLIC UTILITY TO EFFECTIVELY COMMUNICATE WITH STATE AND LOCAL AGENCIES AND THE GENERAL PUBLIC, AND THE TIMELINESS OF THE RESTORATION OF PUBLIC UTILITY SERVICES;

2. THE EFFECTIVENESS OF EACH PLAN TO SATISFY THE ARTICULATED GOALS OF SUCH PLAN AS IT RELATES TO THE ANTICIPATED TIME IN WHICH PLAN WAS ACTIVATED, WHETHER SUCH PLAN SHOULD HAVE BEEN ACTIVATED AT AN EARLIER TIME, OVERALL EMERGENCY RESPONSE AND UTILITY RESTORATION TIMES OF THE PUBLIC UTILITY, THE EFFECTIVENESS OF THE PERSONNEL COVERED UNDER SUCH PLAN INCLUDING, BUT NOT LIMITED TO, ADEQUATE TRAINING AND PERFORMANCE OF ASSIGNED TASKS BY SUCH PERSONNEL, AND THE PROVISION OF NEEDED SUPPLIES TO SUCH PERSONNEL; AND

3. THE OVERALL STRENGTHS AND WEAKNESSES OF EACH NATURAL DISASTER PREPAREDNESS PLAN, ITS SHORTCOMINGS AND ITEMS THAT COULD BE IMPROVED UPON TO BETTER SATISFY THE ARTICULATED GOALS AND THE REQUIREMENTS ESTABLISHED BY THE COMMISSION, AND MEANS TO IMPROVE THE EFFECTIVENESS AND COOPERATIVE EFFORTS WITH OTHER EMERGENCY MANAGEMENT PLANS.

S 20. The public health law is amended by adding a new section 2806-c to read as follows:

S 2806-C. NATURAL DISASTER PREPAREDNESS. IN CONJUNCTION WITH THEIR DUTIES PURSUANT TO SECTION TWENTY-THREE-B OF THE EXECUTIVE LAW, EVERY HOSPITAL AND RESIDENTIAL HEALTH CARE FACILITY SHALL FILE A NATURAL DISASTER PREPAREDNESS PLAN WITH THE COUNCIL FOR ITS APPROVAL, AND UPDATE SUCH PLAN AS PROVIDED BY THE COUNCIL. EACH SUCH PLAN SHALL SPECIFY THE PERSONNEL AND RESOURCES THAT WILL BE UTILIZED IN THE EVENT OF A NATURAL DISASTER, AND VARIOUS ACTION PLANS TO BE UNDERTAKEN IN THE EVENT OF VARIOUS TYPES OF NATURAL DISASTERS. EVERY DISASTER PREPAREDNESS PLAN AND UPDATE THEREOF MAY PROVIDE FOR THE ACQUISITION AND OPERATION OF SURVIVABLE BACK-UP GENERATORS OR ALTERNATIVE ENERGY SOURCES IN THE EVENT OF A DISASTER. UPON THE APPROVAL OF A NATURAL DISASTER PREPAREDNESS PLAN AND UPON EACH UPDATE THEREOF, THE COUNCIL SHALL FORWARD A COPY OF EACH SUCH PLAN TO THE DISASTER PREPAREDNESS COMMISSION AND EACH OF THE APPROPRIATE LOCALITIES WHICH HAVE ADOPTED A LOCAL COMPREHENSIVE EMERGENCY MANAGEMENT PLAN.

S 21. The chair of the disaster preparedness commission, the commissioner of transportation, the commissioner of agriculture and markets,

1 the chairman of the public service commission, the state fire adminis-  
2 trator and the chair of the New York state energy research and develop-  
3 ment authority shall jointly examine, evaluate and make recommendations  
4 concerning the costs and means of hardening buildings, infrastructure,  
5 public utility facilities, energy sources and health care facilities to  
6 ensure their continued operation before, during and after a natural  
7 disaster. The findings and recommendations of such group shall be  
8 reported to the governor and the legislature within one year of the  
9 effective date of this act.

10 S 22. This act shall take effect on the one hundred eightieth day  
11 after it shall have become a law.