STATE OF NEW YORK

6734

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. JENSEN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to creating silo safety warning placards and a silo safety advocacy program; and to amend the state finance law and the tax law, in relation to funding of such placards and advocacy program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as "Garrett's Law".

§ 2. The public health law is amended by adding a new section 3909 to read as follows:

§ 3909. Silo safety placards and advocacy programs. 1. The center shall design and create a placard for conspicuous placement on oxygen-limiting silos in this state for the purpose of notifying emergency responders to the dangers of such silos. Such placard shall be designed to be easily attachable to the exterior of an oxygen-limiting silo and shall contain the following language: "DANGER: DO NOT ENTER! LACK OF OXYGEN AND PRESENCE OF TOXIC GASES MAY CAUSE IMMEDIATE UNCONSCIOUSNESS AND DEATH DUE TO RESPIRATORY PARALYSIS. DO NOT ADD WATER. WATER WILL CAUSE AN EXPLOSION!".

2. Upon request from any owner of an oxygen-limiting silo in this state, the center shall deliver to such owner a placard created pursuant to subdivision one of this section, at no cost to such owner.

3. The center shall establish a silo safety advocacy program to:

(a) notify all farmers and other owners of oxygen-limiting silos in this state of the availability of the placards created pursuant to subdivision one of this section, and of the importance of displaying such placards; and

(b) educate first responders in the state on how to avoid injury or death when responding to emergencies involving oxygen-limiting silos.

4. Notwithstanding the provisions of this section, the center shall not design and create silo safety placards pursuant to subdivision one of this section, deliver any placards pursuant to subdivision two of

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

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this section, or establish the advocacy program pursuant to subdivision three of this section, until a determination is made by the board that enough money exists in the silo safety fund established pursuant to section ninety-two-kk of the state finance law to fund such activities in perpetuity.

§ 3. The state finance law is amended by adding a new section 92-kk to read as follows:

§ 92-kk. Silo safety fund. 1. A special fund to be known as the "silo safety fund" is hereby established in the custody of the state comptroller and the commissioner of taxation and finance.

2. The fund shall consist of all monies transferred to such fund pursuant to law, all monies required by any provision of law to be paid into or credited to the fund, all monies from gifts pursuant to section six hundred thirty-l of the tax law, and any interest earnings which may accrue from the investment of monies in the fund. Nothing contained in this section shall prevent the state from receiving grants, gifts, or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. On or before the first day of February each year, the director of the center for agricultural medicine and health shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, the state comptroller and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

(a) the amount of money disbursed from the fund;

(b) the use of monies disbursed from the fund; and

(c) a summary financial plan for such monies which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

4. Monies of the fund, when allocated, shall be available to the center for agricultural medicine and health for the design, creation, and distribution of oxygen-limiting silo safety placards pursuant to section thirty-nine hundred nine of the public health law, and for the advocacy program created pursuant to such section.

5. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the director of the center for agricultural medicine and health.

§ 4. The tax law is amended by adding a new section 630-l to read as follows:

§ 630-l. Gift for silo safety fund. Effective for any tax year commencing on or after January first, two thousand twenty-three, an individual in any taxable year may elect to contribute to the silo safety fund established pursuant to section ninety-two-kk of the state finance law. Such contribution shall be in any whole dollar amount and shall not reduce the amount of state tax owed by such individual. The commissioner shall include space on the personal income tax return form to enable a taxpayer to make such contribution. Notwithstanding any other provision of law, all revenues collected pursuant to this section shall be paid to the silo safety fund established pursuant to, and used only for those purposes enumerated in, section ninety-two-kk of the state finance law.

§ 5. This act shall take effect immediately.