

## S T A T E O F N E W Y O R K

5090

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. LEIBELL -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, in relation to additional standards and requirements for evacuation plans for disaster-related emergencies

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

1 Section 1. Section 23 of the executive law, as added by chapter 640 of  
2 the laws of 1978, subdivision 1 as amended by chapter 603 of the laws of  
3 1993, subdivision 5 and subparagraph 8 of paragraph b of subdivision 7  
4 as amended by chapter 42 of the laws of 2004, subparagraphs 16 and 17 of  
5 paragraph (b) of subdivision 7 as amended and subparagraph 18 of para-  
6 graph (b) of subdivision 7 as added by chapter 677 of the laws of 2006,  
7 is amended to read as follows:

8 S 23. Local disaster preparedness plans. 1. Each county, except those  
9 contained within the city of New York, and each city, town and village  
10 is authorized to prepare disaster preparedness plans. The disaster  
11 preparedness commission shall provide assistance and advice for the  
12 development of such plans. City, town and village plans shall be coordi-  
13 nated with the county plan.

14 2. The purpose of such plans shall be to minimize the effect of disas-  
15 ters by (i) identifying appropriate local measures to prevent disasters,  
16 (ii) developing mechanisms to coordinate the use of local resources and  
17 manpower for service during and after disasters and the delivery of  
18 services to aid citizens and reduce human suffering resulting from a  
19 disaster, and (iii) providing for recovery and redevelopment after  
20 disasters.

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

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

LBD11330-01-9

S. 5090

2

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

3 5. In preparing such plans, cooperation, advice and assistance shall  
4 be sought from local government officials, regional and local planning  
5 agencies, police agencies, fire departments and fire companies, local  
6 civil defense agencies, commercial and volunteer ambulance services,  
7 health and social services officials AND ORGANIZATIONS, community action  
8 agencies, the chief administrator of the courts, organizations for the  
9 elderly and [the handicapped,] PEOPLE OF ALL AGES WITH DISABILITIES,  
10 CHILDCARE ORGANIZATIONS, TRANSPORTATION ORGANIZATIONS, TELECOMMUNI-  
11 CATIONS ORGANIZATIONS AND RELEVANT STATE AND LOCAL PUBLIC AUTHORITIES,  
12 other interested groups and the general public. Such advice and assist-  
13 ance may be obtained through public hearings held on public notice, or  
14 through other appropriate methods.

15 6. IN THE EVENT THAT ANY PART OF A COUNTY'S DISASTER PREPAREDNESS

15 6. IN THE EVENT THAT ANY PART OF A COUNTY'S DISASTER PREPAREDNESS  
16 EVACUATION PLAN IS NOT CONSISTENT WITH A NEIGHBORING COUNTY'S DISASTER  
17 PREPAREDNESS EVACUATION PLAN, THE COMMISSION SHALL WORK WITH THE COUN-  
18 TIES TO RESOLVE SUCH INCONSISTENCIES.

19 7. All plans for disaster preparedness developed by local governments  
20 or any revisions thereto shall be submitted to the commission by Decem-  
21 ber thirty-first of each year to facilitate state coordination of disas-  
22 ter operations.

23 [7] 8. Such plans shall include, but not be limited to:

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

26 (1) identification of potential disasters and disaster sites;

27 (2) recommended disaster prevention projects, policies, priorities and  
28 programs, with suggested implementation schedules, which outline feder-  
29 al, state and local roles;

30 (3) suggested revisions and additions to building and safety codes and  
31 zoning and other land use programs;

32 (4) such other measures as reasonably can be taken to prevent disas-  
33 ters or mitigate their impact.

34 b. Disaster response. Plans to coordinate the use of resources and  
35 manpower for service during and after disasters and to deliver services  
36 to aid citizens and reduce human suffering resulting from a disaster  
37 shall include, but not be limited to:

38 (1) centralized coordination of resources, manpower and services,  
39 utilizing existing organizations and lines of authority and centralized  
40 direction of requests for assistance;

41 (2) the location, procurement, construction, processing, transporta-  
42 tion, storing, maintenance, renovation, distribution or use of materi-  
43 als, facilities and services which may be required in time of disaster;

44 (3) a system for warning populations who are or may be endangered;

45 (4) arrangements for activating municipal and volunteer forces,  
46 through normal chains of command so far as possible, and for continued  
47 communication and reporting;

48 (5) a specific plan for rapid and efficient communication and for the  
49 integration of local communication facilities during a disaster includ-  
50 ing the assignment of responsibilities and the establishment of communi-  
51 cation priorities and liaison with municipal, private, state and federal  
52 communication facilities;

53 (6) a plan for coordination evacuation procedures including the estab-  
54 lishment of temporary housing and other necessary facilities;

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

S. 5090

3

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

3 (9) provisions for training local government personnel and volunteers  
4 in disaster response operations;

5 (10) providing information to the public;

6 (11) care for the injured and needy and identification and disposition  
7 of the dead;

8 (12) utilization and coordination of programs to assist victims of  
9 disasters, with particular attention to the needs of the poor, the  
10 elderly, the handicapped, and other groups which may be especially  
11 affected;

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

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

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

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

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

21 (18) utilization and coordination of programs to assist individuals  
22 with household pets and service animals following a disaster, with

23 particular attention to means of evacuation, shelter and transportation  
24 options.

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

27 (1) recommendations for replacement, reconstruction, removal or relo-  
28 cation of damaged or destroyed public or private facilities, proposed  
29 new or amendments to zoning, subdivision, building, sanitary or fire  
30 prevention regulations and recommendations for economic development and  
31 community development in order to minimize the impact of any potential  
32 future disasters on the community.

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

35 (3) provisions for training and educating local disaster officials or  
36 organizations in the preparation of applications for federal and state  
37 disaster recovery assistance.

38 9. THE COMMISSION SHALL ANNUALLY REVIEW ALL DISASTER PREPAREDNESS  
39 PLANS TO MAKE SURE THAT SUCH PLANS CONFORM WITH ALL OF THE PROVISIONS OF  
40 THIS ARTICLE.

41 S 2. If any item, clause, sentence, subparagraph, subdivision,  
42 section, or any other part of this act, or the application thereof to  
43 any person or circumstances, is held to be invalid, such holding shall  
44 not affect, impair, or invalidate the remainder of this act, of the  
45 application of such section or part of a section held invalid, to any  
46 other person or circumstances, but shall be confined in its operation to  
47 the item, clause, sentence, subparagraph, subdivision, section, or other  
48 part of this act directly involved in such holding, or to the person and  
49 circumstances therein involved.

50 S 3. This act shall take effect immediately.