

PROGRAM BILL # 4

Legislative Bill Drafting Commission
12018-01-5

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

EXECLA
(Relates to improving state disaster
preparedness, response and recovery
capabilities)

Exec. st. disatr. prprdns. imprvm

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:

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s49 Farley	s63 Kennedy	s40 Murphy	s10 Sanders
s46 Amedore	s17 Felder	s34 Klein	s54 Nozzolio	s23 Savino
s11 Avella	s02 Flanagan	s28 Krueger	s58 O'Mara	s41 Serino
s42 Bonacic	s55 Funke	s24 Lanza	s62 Orti	s29 Serrano
s04 Boyle	s59 Gallivan	s39 Larkin	s60 Panepinto	s51 Seward
s44 Breslin	s12 Gianaris	s37 Latimer	s21 Parker	s09 Skelos
s38 Carlucci	s22 Golden	s01 LaValle	s13 Peralta	s26 Squadron
s14 Comrie	s47 Griffo	s52 Libous	s30 Perkins	s16 Stavisky
s03 Croci	s20 Hamilton	s45 Little	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s48 Ritchie	Cousins
s32 Diaz	s36 Hassell-	s43 Marchione	s33 Rivera	s53 Valesky
s18 Dilan	Thompson	s07 Martins	s56 Robach	s08 Venditto
s31 Espaillat	s27 Hoylman	s25 Montgomery	s19 Sampson	s57 Young

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a053 Davila	a077 Joyner	a133 Nojay	a140 Schimminger
a092 Abinanti	a034 DenDekker	a020 Kaminsky	a037 Nolan	a076 Seawright
a084 Arroyo	a054 Dilan	a094 Katz	a130 Oaks	a087 Sepulveda
a035 Aubry	a081 Dinowitz	a074 Kavanagh	a069 O'Donnell	a065 Silver
a120 Barclay	a147 DiPietro	a142 Kearns	a051 Ortiz	a027 Simanowitz
a106 Barrett	a115 Duprey	a040 Kim	a091 Otis	a052 Simon
a060 Barron	a004 Englebright	a131 Kolb	a132 Palmesano	a036 Simotas
a082 Benedetto	a109 Fahy	a105 Lalor	a002 Palumbo	a104 Skartados
a042 Bichotte	a071 Farrell	a013 Lavine	a088 Paulin	a099 Skoufis
a079 Blake	a126 Finch	a134 Lawrence	a141 Peoples-	a022 Solages
a117 Blankenbush	a008 Fitzpatrick	a050 Lentol	Stokes	a114 Stec
a062 Borelli	a124 Friend	a125 Lifton	a058 Perry	a110 Steck
a098 Brabenec	a095 Galef	a072 Linares	a059 Persaud	a127 Stirpe
a026 Braunstein	a137 Gantt	a102 Lopez	a086 Pichardo	a112 Tedisco
a044 Brennan	a007 Garbarino	a123 Lupardo	a089 Pretlow	a101 Tenney
a119 Brindisi	a148 Giglio	a010 Lupinacci	a073 Quart	a001 Thiele
a138 Bronson	a080 Gjonaj	a121 Magee	a019 Ra	a061 Titone
a046 Brook-Krasny	a066 Glick	a129 Magnarelli	a012 Raia	a031 Titus
a093 Buchwald	a023 Goldfeder	a064 Malliotakis	a006 Ramos	a055 Walker
a118 Butler	a150 Goodell	a030 Markey	a043 Richardson	a146 Walter
a103 Cahill	a075 Gottfried	a090 Mayer	a078 Rivera	a041 Weinstein
a145 Ceretto	a005 Graf	a108 McDonald	a128 Roberts	a024 Weprin
a033 Clark	a100 Gunther	a014 McDonough	a056 Robinson	a113 Woerner
a047 Colton	a139 Hawley	a017 McKeivitt	a068 Rodriguez	a143 Wozniak
a032 Cook	a083 Heastie	a107 McLaughlin	a067 Rosenthal	a070 Wright
a144 Corwin	a028 Hevesi	a038 Miller	a025 Rozic	a096 Zebrowski
a085 Crespo	a048 Hikind	a015 Montesano	a116 Russell	a029
a122 Crouch	a018 Hooper	a136 Morelle	a149 Ryan	
a021 Curran	a097 Jaffee	a057 Mosley	a009 Saladino	
a063 Cusick	a011 Jean-Pierre	a039 Moya	a111 Santabarbara	
a045 Cymbrowitz	a135 Johns	a003 Murray	a016 Schimel	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

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 § 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
25 b, c and d of subdivision 8 as added and paragraph e of subdivision 8 as
26 relettered by section 10, and subdivision 9 as added by section 12 of
27 part G of chapter 55 of the laws of 2012, are amended to read as
28 follows:

1 8. Reimbursement of assisting [jurisdiction] local government by the
2 state or requesting [jurisdiction] local government; resolving disputes
3 regarding reimbursement. a. Any assisting local government requesting
4 reimbursement under this program for loss, damage or expenses incurred
5 in connection with the provision of assistance that seeks reimbursement
6 by the state or requesting local government shall make such request in
7 accordance with procedures developed by the intrastate mutual aid
8 committee.

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

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

27 d. Notwithstanding paragraph c of this subdivision, any voluntary
28 ambulance service rendered pursuant to a request for assistance under

1 this program that affects a volunteer ambulance workers service award or
2 supplemental service award from a service award program or a supple-
3 mental service award program established pursuant to article eleven-aa,
4 article eleven-aaa, or article eleven-aaaa of the general municipal law
5 shall be the responsibility of the political subdivision which adopted
6 the service award program or supplemental service award program and not
7 the responsibility of the state or requesting local government.

8 e. Where a dispute arises between an assisting local government and
9 the state or a requesting local government regarding reimbursement for
10 loss, damages or expenses incurred in connection with the provision of
11 aid, the parties will make every effort to resolve the dispute within
12 thirty business days of written notice of the dispute by the party
13 asserting noncompliance.

14 9. Performance of services. a. (1) Employees of an assisting local
15 government shall continue under the administrative control of their home
16 jurisdiction. However, in all other cases where not prohibited by gener-
17 al, special or local law, rule or regulation, employees of an assisting
18 local government shall be under the direction and control of the direc-
19 tor of the state office of emergency management, local emergency manage-
20 ment director or other official charged with performing emergency
21 management functions for the state or requesting local government;

22 (2) Performance by employees of an assisting local government of
23 services for the state or a requesting local government pursuant to this
24 section shall have no impact upon whether negotiating unit employees
25 represented by an employee organization, recognized or certified pursu-
26 ant to section two hundred six or two hundred seven of the civil service
27 law, exclusively perform such services, as that phrase is used by the

1 public employment relations board, on behalf of the state or requesting
2 local government;

3 b. Assets and equipment of an assisting local government shall contin-
4 ue under the ownership of the assisting local government, but shall be
5 under the direction and control of the director of the state office of
6 emergency management, local emergency management director or other offi-
7 cial charged with performing emergency management functions for the
8 state or requesting local government.

9 § 3. This act shall take effect immediately.