

PROGRAM BILL # 13

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

CIVSELA
(Relates to the state fire mobiliza-
tion and mutual aid plan)

Civ Serv. state fire mobilizn mut

AN ACT

to amend the civil service law, the
county law, the executive law and
the general municipal law, in
relation to making technical
corrections thereto and the state
fire mobilization and mutual aid
plan (Part A); to amend the execu-
tive law, in relation to the accept-
ance of gifts by the state (Part B);
and to amend the executive law, in
relation to immunity from liability
for emergency alerts (Part C)

IN SENATE

Senate introducer's signature

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

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

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

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

1 Section 1. This act enacts into law components of legislation relating
2 to the preparation for and response to disasters and other emergencies.
3 Each component is wholly contained within a Part identified as Parts A
4 through C. The effective date for each particular provision contained
5 within such Part is set forth in the last section of such Part. Any
6 provision in any section contained within a Part, including the effec-
7 tive date of the Part, which makes reference to a section "of this act",
8 when used in connection with that particular component, shall be deemed
9 to mean and refer to the corresponding section of the Part in which it
10 is found. Section three of this act sets forth the general effective
11 date of this act.

12 PART A

13 Section 1. Section 58-a of the civil service law, as added by chapter
14 369 of the laws of 1976, subdivisions 1 and 5 as amended by chapter 225
15 of the laws of 1979, is amended to read as follows:

16 § 58-a. Requirements for provisional or permanent appointment of
17 certain fire fighters. 1. Notwithstanding any other provision of this
18 law or any general, special or local law to the contrary, no person
19 shall be eligible for provisional or permanent appointment in the
20 competitive class of the civil service as a fire fighter unless he or
21 she shall satisfy the basic requirements for education, health and phys-
22 ical fitness established by the [governor pursuant to section one
23 hundred fifty-nine-d] state fire administrator pursuant to section one
24 hundred fifty-eight of the executive law.

25 2. Notwithstanding the provisions of subdivision one of this section,
26 upon the request of a municipal commission having jurisdiction over a

1 fire department and upon a showing by such municipal commission and a
2 determination by the state commission that aggravated recruitment diffi-
3 culties are causing a serious shortage of fire fighters in such fire
4 department and that such municipal commission and all appropriate
5 authorities are making diligent efforts, including payment of adequate
6 compensation, to overcome such recruitment difficulties, the state
7 commission, with the approval of the [fire fighting personnel standards
8 and education commission] state fire administrator, may change the
9 educational, health and physical fitness requirements for provisional
10 and permanent appointment as a fire fighter in such fire department for
11 a period not exceeding two years from the date of such determination.
12 Such changes may be authorized for an additional period not exceeding
13 two years, upon a showing and a determination similar to that required
14 hereunder for the original authorization.

15 3. The provisions of this section shall not prevent the establishment
16 of more restrictive local requirements for eligibility for fire fight-
17 ers.

18 4. For the purposes of this section fire fighter means a member of a
19 fire department whose duties include fire service as the phrase fire
20 service is defined in paragraph d of subdivision eleven of section three
21 hundred two of the retirement and social security law.

22 5. Any person whose name was on an eligible list for appointment in
23 the competitive class of the civil service as a fire fighter on the date
24 educational, health and physical fitness requirements for fire fighters
25 are promulgated by the [governor pursuant to section one hundred fifty-
26 nine-d] state fire administrator pursuant to section one hundred fifty-
27 eight of the executive law, shall continue to remain eligible for
28 appointment from such list during the life of such list without satisfy-

1 ing such requirements provided he or she would otherwise have remained
2 eligible for appointment from such list if this section had not been
3 enacted.

4 6. The provisions of this section shall not apply to appointments made
5 by any county, city, town, village or fire district which employs five
6 or fewer fire fighters.

7 § 2. Section 236-b of the county law, as added by chapter 339 of the
8 laws of 2009, subdivision 4 as amended by section 12 of part O of chap-
9 ter 55 of the laws of 2012, is amended to read as follows:

10 § 236-b. County electrical inspector licensing. 1. Notwithstanding any
11 inconsistent general, special, or local law to the contrary, the county
12 of Westchester is hereby authorized to establish a Westchester county
13 board of examiners for electrical inspectors and to empower such board
14 to assume all licensing duties within the county of Westchester with
15 respect to the licensure of electrical inspectors. The county of West-
16 chester shall provide for electrical inspectors' duties and responsibil-
17 ities with respect to applications for a license or renewal in accord-
18 ance with the local law of such county. A local law enacted pursuant to
19 this section establishing county licensure of electrical inspectors
20 shall provide standards for licensure which shall include, at a minimum,
21 a provision that no person shall obtain a license unless such person
22 shall have received training in the inspection of electrical components,
23 equipment and systems used in buildings and structures which is at least
24 equivalent to the training in the inspection of electrical components,
25 equipment and systems used in buildings and structures required for code
26 enforcement personnel under the rules and regulations promulgated by the
27 [governor pursuant to article six-C] secretary of state pursuant to
28 section three hundred seventy-six-a of the executive law.

1 2. A local law enacted pursuant to this section establishing county
2 licensure of electrical inspectors shall supersede any provision requir-
3 ing electrical inspectors to also obtain a local license promulgated by
4 a city, town or village in the county pursuant to any general, special
5 or local law. Nothing in this section shall be deemed to supersede any
6 of the powers, functions and duties of the [fire fighting and code
7 enforcement personnel standards and education commission, as set forth
8 in article six-C] secretary of state pursuant to section three hundred
9 seventy-six-a of the executive law.

10 3. In this section, the term "electrical inspector" shall mean any
11 person who now or hereafter inspects electrical components, equipment
12 and systems used in buildings and structures to determine the compliance
13 of such electrical components, equipment and systems and the installa-
14 tion of such electrical components, equipment and systems with the
15 applicable provisions of the state uniform fire prevention and building
16 code promulgated pursuant to article eighteen of the executive law;
17 provided, however, that the term electrical inspector shall not include
18 any person who performs such inspections as an employee of the state of
19 New York, any agency of the state of New York, or any county, city, town
20 or village. In no event shall any person who now or hereafter performs
21 such inspections as an employee of the state of New York, any agency of
22 the state of New York, or any county, city, town or village be required
23 to obtain a license issued pursuant to this section or pursuant to any
24 local law enacted pursuant to this section.

25 4. In this section, the term "agency of the state of New York" shall
26 include any department, bureau, commission, board, public authority or
27 other agency of the state of New York; any public benefit corporation
28 whose board of directors includes any member appointed by the governor;

1 any subdivision of any department, bureau, commission, board, public
2 authority or other agency of the state which is easily identifiable and
3 which for most other purposes is treated as an independent state agency;
4 and the office of information technology services.

5 § 3. Section 156-a of the executive law, as amended by section 1 of
6 part D of chapter 1 of the laws of 2004, subdivision 1 as amended by
7 section 23 of part G of chapter 58 of the laws of 2012, is amended to
8 read as follows:

9 § 156-a. Establishment of a specialized hazardous materials emergency
10 response training program. 1. The state fire administrator shall estab-
11 lish a specialized hazardous materials emergency response training
12 program for individuals responsible for providing emergency response
13 recovery following incidents involving hazardous materials as such term
14 is defined in regulations promulgated by the commissioner of transporta-
15 tion pursuant to section fourteen-f of the transportation law. The
16 state fire administrator shall inform all fire companies, municipal
17 corporations and districts, including agencies and departments thereof
18 and all firefighters, both paid and volunteer, and related officers and
19 employees and police officers of the implementation and availability of
20 the hazardous materials emergency response training program and shall,
21 subject to the availability of an appropriation, conduct such training
22 with sufficient frequency to assure adequate response to incidents
23 involving hazardous materials and protection of responders in all
24 geographic areas of the state.

25 2. The state fire administrator[, in consultation with the aforemen-
26 tioned commission] shall prescribe the curriculum of the hazardous mate-
27 rials emergency response training program, which shall include, but
28 shall not be limited to:

1 (a) hands-on training, including information in regard to leak and
2 spill control, product neutralization, pickup and disposal, fire
3 control, decontamination procedures and use and application of foam
4 agents;

5 (b) hazard assessment with emphasis on incident scene decision-making,
6 including: potential threat to public safety and need for evacuation,
7 calculation of the effect of weather on certain chemicals and evaluation
8 of the result of chemical exposures to air, water, soil, vegetation,
9 lives and property and impact on the personal safety of those working in
10 the accident area;

11 (c) calibration and use of emergency equipment;

12 (d) chemical and biological properties of various classes of chemi-
13 cals, for example, flammables, oxidizers, corrosives, poisons; and

14 (e) weapons of mass destruction and response to terrorism.

15 3. The state fire administrator is hereby directed to issue a report
16 to the governor, speaker of the assembly, temporary president of the
17 senate, chairman of the assembly transportation committee and the chair-
18 man of the senate transportation committee by [April first] February
19 fifteenth of each year on the operations of the program set forth in
20 this section.

21 4. The state fire administrator shall promulgate such rules and regu-
22 lations as are necessary to carry out the provisions of this section.

23 § 4. Subdivision 8 of section 156-c of the executive law, as amended
24 by chapter 583 of the laws of 2006, is amended to read as follows:

25 8. a. To enforce the provisions of this section, the commissioner of
26 taxation and finance and the [secretary of state] state fire administra-
27 tor may take administrative action imposing the civil penalties and
28 suspensions authorized by subdivision five of this section. In addition,

1 the attorney general may bring an action on behalf of the people of the
2 state of New York to enjoin acts in violation of this section and to
3 recover any civil penalties unless civil penalties have been previously
4 recovered in such administrative proceedings.

5 b. Any enforcement officer as defined in section thirteen hundred
6 ninety-nine-t of the public health law shall have the power to impose
7 upon any retail dealer the civil penalties authorized by subdivision
8 five of this section, following a hearing conducted in the same manner
9 as hearings conducted under article thirteen-E of the public health law.

10 c. To enforce the provisions of this section, the commissioner of
11 taxation and finance and the [secretary of state] state fire administra-
12 tor, or their duly authorized representatives, are hereby authorized to
13 examine the books, papers, invoices and other records of any person in
14 possession, control or occupancy of any premises where cigarettes are
15 placed, stored, sold or offered for sale, as well as the stock of ciga-
16 rettes in any such premises. Every person in the possession, control or
17 occupancy of any premises where cigarettes are placed, sold or offered
18 for sale, is hereby directed and required to give the commissioner of
19 taxation and finance and the [secretary of state] state fire administra-
20 tor, and their duly authorized representatives, the means, facilities
21 and opportunity for such examinations as are herein provided for and
22 required.

23 d. Whenever any police officer designated in section 1.20 of the crim-
24 inal procedure law or a peace officer designated in subdivision four and
25 subdivision seventy-nine pertaining to the [Department of State's]
26 Office of Fire Prevention and Control, of section 2.10 of such law,
27 acting pursuant to his or her special duties, shall discover any ciga-
28 rettes which have not been marked in the manner required by subdivision

1 six of this section, such officer is hereby authorized and empowered to
2 seize and take possession of such cigarettes. Such seized cigarettes
3 shall be turned over to the commissioner of taxation and finance, and
4 shall be forfeited to the state. Cigarettes seized pursuant to this
5 section shall be destroyed.

6 e. The [secretary of state] commissioner of the division of homeland
7 security and emergency services, in consultation with the state fire
8 administrator, and the commissioner of taxation and finance are hereby
9 authorized to promulgate such regulations as are deemed necessary to
10 implement the provisions of this section.

11 § 5. Subdivision 2 of section 159 of the executive law, as added by
12 section 29-b of part B of chapter 56 of the laws of 2010, is amended to
13 read as follows:

14 2. The council shall be composed of the state fire administrator, as
15 chair, or his or her designee, and twelve other members appointed as
16 follows: six members appointed by the governor; two members appointed by
17 the temporary president of the senate; one member appointed by the
18 minority leader of the senate; two members appointed by the speaker of
19 the assembly; one member appointed by the minority leader of the assem-
20 bly. [Members of the fire safety advisory board, the arson board and the
21 firefighting and code enforcement personnel standard and education
22 commission may be appointed to this advisory council.]

23 § 6. Subdivision 2 of section 711 of the executive law, as added by
24 section 2 of part B of chapter 1 of the laws of 2004, is amended to read
25 as follows:

26 2. The [director] commissioner shall appear and give testimony before
27 the annual legislative hearing on public protection held jointly by the
28 assembly committee on ways and means and the senate finance committee as

1 provided for in section three of article VII of the New York state
2 constitution and section thirty-one of the legislative law.

3 § 7. Section 209-e of the general municipal law, as amended by chapter
4 225 of the laws of 1979, subdivisions 1 and 2 as amended by section 45
5 of part B of chapter 56 of the laws of 2010 and subdivision 8 as added
6 by chapter 827 of the laws of 1987, is amended to read as follows:

7 § 209-e. Fire mobilization and mutual aid plan. 1. Plan. The state
8 fire administrator shall prepare a state fire mobilization and mutual
9 aid plan which may provide for the establishment of fire mobilization
10 and mutual aid zones of the state. Upon filing of the plan in the office
11 of fire prevention and control such plan shall become the state fire
12 mobilization and mutual aid plan. Such plan may be amended from time to
13 time in the same manner as originally adopted.

14 2. Regional fire administrators. The state fire administrator may
15 appoint and remove a regional fire administrator for each fire mobiliza-
16 tion and mutual aid zone established pursuant to the state fire mobili-
17 zation and mutual aid plan. Before he or she enters on the duties of the
18 office, each regional fire administrator shall take and subscribe before
19 an officer authorized by law to administer oaths the constitutional oath
20 of office, which shall be administered and certified by the officer
21 taking the same without compensation and shall be filed in the office of
22 [fire prevention and control] the secretary of state.

23 3. Regulations. The commissioner of the division of homeland security
24 and emergency services, in consultation with the state fire administra-
25 tor, may make regulations and issue orders which he or she may deem
26 necessary to implement the state fire mobilization and mutual aid plan
27 and carry out the purposes of this section.

1 4. Powers. Whenever a county, city, town, village or fire district
2 shall request, or whenever the governor shall determine that the public
3 interest so requires, the state fire administrator shall possess and
4 exercise the powers, functions and duties set forth in the state fire
5 mobilization and mutual aid plan.

6 5. Standard thread. The state fire mobilization and mutual aid plan
7 shall prescribe a standard hose thread for the state, and each county,
8 city, town, village or fire district not equipped with the same may be
9 required either to recut its threads to such standard or provide adapt-
10 ers whereby the same may be brought to such standards.

11 6. Records. The state fire administrator shall keep a permanent public
12 record of the activations of the state fire mobilization and mutual aid
13 plan, showing how, when and where it was activated and when such acti-
14 vation was terminated.

15 7. Reimbursement of assisting municipal corporations or fire
16 districts. Whenever the governor activates the state fire mobilization
17 and mutual aid plan pursuant to subdivision four of this section, claims
18 submitted by an assisting municipal corporation or fire district for
19 expenses allowed by subdivision two of section two hundred nine-g of
20 this article made in performance of its duties on behalf of a receiving
21 municipality or fire district pursuant to such plan may be reimbursed in
22 the first instance by the state from any local assistance appropriation
23 established for such purpose. Reimbursements of such claims from such
24 appropriation may be made only upon certification of such claim by the
25 state fire administrator to the state comptroller and audit of such
26 claim by the state comptroller prior to payment. Expenditures for such
27 reimbursements from such appropriation shall be considered a liability
28 for outside aid as described in section two hundred nine-g of this arti-

1 cle and shall be repaid by the municipality or fire district receiving
2 assistance pursuant to the state fire mobilization and mutual aid plan.

3 8. Hazardous materials incident plan. The state fire administrator
4 shall prepare a hazardous materials incident plan which shall complement
5 and become a part of the plan required by subdivision one of this
6 section. The plan shall provide for the mobilization and coordination
7 of fire service resources in response to emergencies which involve or
8 may involve hazardous materials and shall establish hazardous materials
9 incidents response zones and criteria for recognized regional hazardous
10 materials incidents response teams. The office of fire prevention and
11 control, by and through the state fire administrator or his or her duly
12 authorized officers and employees, is authorized to approve grants of
13 funds from monies allocated and appropriated therefor for expenditures
14 of municipal corporations for hazardous materials incidents planning and
15 equipment, pursuant to applicable rules and regulations promulgated by
16 the [secretary of state] commissioner of the division of homeland secu-
17 riety and emergency services, in consultation with the state fire admin-
18 istrator, and approved by the director of the budget.

19 § 8. Paragraph a of subdivision 2 of section 209-f of the general
20 municipal law, as amended by chapter 1003 of the laws of 1965, is
21 amended to read as follows:

22 a. Notwithstanding any inconsistent provision of law, general, special
23 or local, the sheriff of any county may, when the public interest
24 requires it, declare a state of special emergency in any part or parts
25 of his county where the public peace is threatened or where life or
26 property may be endangered, after first advising the governor, by tele-
27 gram [addressed to the governor at the executive offices in the city of

1 Albany, New York,], facsimile or other electronic means that he is about
2 to do so.

3 § 9. Section 209-g of the general municipal law, as amended by chapter
4 699 of the laws of 1956, subdivision 3 as amended by chapter 312 of the
5 laws of 1963 and subdivision 5 as amended by chapter 1003 of the laws of
6 1968, is amended to read as follows:

7 § 209-g. Liability for outside aid. 1. Notwithstanding any inconsis-
8 tent provision of law, general, special or local, any county, city, town,
9 village or fire district requesting fire aid pursuant to section two
10 hundred nine-e of this [chapter] article or any county, city, town or
11 village requesting police aid pursuant to section two hundred nine-f of
12 this [chapter] article, shall be liable and responsible to the assisting
13 municipal corporation or fire district for any loss of or damage to
14 apparatus or equipment or supplies and shall bear and pay the expense
15 incurred in the operation and maintenance of any apparatus or equipment
16 and the cost of materials and supplies used or consumed in rendering
17 such aid and assistance, but such liability and responsibility shall not
18 apply or extend to apparatus, equipment, materials and supplies owned or
19 supplied by the state.

20 2. The state or assisting municipal corporation or fire district in
21 such case shall be liable for salaries or other compensation to the
22 assisting forces furnished during the time they shall not be performing
23 their duties for the state or for the assisting municipal corporation or
24 fire district and shall defray the actual traveling and maintenance
25 expense of such assisting forces while they are rendering such aid and
26 assistance, but the receiving municipal corporation or fire district
27 shall reimburse the assisting municipal corporation or fire district for
28 any moneys paid for such salaries or other compensation and traveling

1 and maintenance expense. Any such claim for loss, damage, expense or
2 cost shall not be allowed unless within sixty days after the same shall
3 have been sustained or incurred a written notice of such claim, under
4 oath, itemizing such loss, damage, expense or cost, is served by mail or
5 otherwise upon the comptroller or chief fiscal officer of such receiving
6 municipal corporation or fire district. An assisting municipal corpo-
7 ration or fire district may assume any such loss, damage, expense or
8 cost or loan such equipment and apparatus or donate such services to the
9 receiving municipal corporation or fire district without charge or cost.

10 3. A county, city, town, village or fire district shall be liable for
11 all payments to be made to or on behalf of injured volunteer [firemen]
12 firefighters or to representatives of deceased volunteer [firemen] fire-
13 fighters pursuant to and in accordance with the provisions of the volun-
14 teer [firemen's] firefighters' benefit law. The amount so paid by a
15 town shall be assessed in the manner provided in such law.

16 4. Neither the state nor the civil or political subdivision of the
17 state whose police or fire forces or employees are engaged in rendering
18 such outside aid and assistance pursuant to any request for aid and
19 assistance or pursuant to direction of the governor or other official or
20 agency authorized by, or pursuant to law so to direct shall be liable or
21 accountable in any way or on account of any act or omission on the part
22 of any officer or member of such forces or of any such employee while so
23 engaged or for or on account of the operation, maintenance or use of any
24 apparatus, equipment, materials or supplies in connection therewith, nor
25 shall any sheriff be held liable or accountable in any way for or on
26 account of any act or omission on the part of any of his or her deputies
27 within or without the county of their appointment where such deputies
28 are under the command of an officer other than himself or herself.

1 5. Notwithstanding any inconsistent provision of law, general, special
2 or local, (a) any county whose sheriff, or in the county of Nassau the
3 county executive, declared a state of special emergency within his or
4 her county pursuant to section two hundred nine-f of this [chapter]
5 article, which resulted in men or women and/or equipment being furnished
6 by the sheriff of another county for use in the county of the sheriff,
7 or in the county of Nassau the county executive, declaring the state of
8 emergency, shall be liable and responsible to the county of the assist-
9 ing sheriff for salaries or other compensation paid or due the persons
10 comprising the assisting forces during the time they were engaged in
11 performing services in the county of the requesting sheriff, or in the
12 county of Nassau the county executive, and for all loss or damage to
13 apparatus, equipment and supplies used or consumed by the persons
14 comprising such assisting forces in rendering aid and assistance in the
15 county of the requesting sheriff, or in the county of Nassau the county
16 executive, provided an itemized claim therefor is submitted in writing
17 to the chief fiscal officer of the county of the requesting sheriff, or
18 in the county of Nassau the county executive, within sixty days after
19 the termination of such an emergency. An assisting county may, however,
20 assume any such cost, loss or damage, and all payments made or to be
21 made to or on behalf of such persons comprising such assisting forces or
22 to representatives of deceased persons who comprised such assisting
23 forces pursuant to and in accordance with the provisions of any applica-
24 ble law, rule or ordinance, including the workmen's compensation law
25 which shall be deemed to be applicable. Neither the county whose sheriff
26 responded with men and/or equipment to a request for assistance made by
27 another sheriff who declared a state of special emergency, or in the
28 county of Nassau the county executive, nor a responding sheriff or

1 employee of the responding county, shall be liable or accountable in any
2 way for any act or omission on the part of any person during the contin-
3 uance of any such emergency, including but not restricted to the opera-
4 tion, maintenance or use of any apparatus, equipment or supplies in
5 connection therewith, nor shall any sheriff be held liable or account-
6 able in any way for or on account of any act or omission on the part of
7 any of his or her deputies within or without the county of their
8 appointment where such deputies are under the command of any person
9 other than himself or herself, and (b) the city, town or village receiv-
10 ing police aid pursuant to section two hundred nine-f of this [chapter]
11 article shall assume the liability for all damages arising out of any
12 act performed in rendering such aid and shall reimburse the assisting
13 city, town, village, parkway police force, state park police force
14 and/or county police department for any moneys paid by it for salaries
15 or for other expenses incurred by it, including damage to or loss of
16 equipment and supplies. An assisting city, town, village, parkway police
17 force, state park police force and/or county police department may,
18 however, assume in whole or in part any such cost, loss, damage or other
19 cost or charge sustained or suffered by it which is applicable to its
20 rendering such aid, by taking appropriate action to accomplish the same,
21 and the county of the receiving city, town or village may, by appropri-
22 ate action, elect to obligate itself to pay all or part of any money
23 which such receiving municipality is obliged to pay arising out of and
24 applicable to its having received such aid, and (c) a regular, part time
25 or special deputy sheriff of a county shall not, for any reason, lose or
26 forfeit any right, benefit or privilege which he or she would have had
27 in the county of his or her residence by becoming and/or acting as an
28 emergency special deputy sheriff of another county during an emergency.

1 6. The commissioner of the division of homeland security and emergency
2 services, in consultation with the state fire administrator, may promul-
3 gate rules and regulations necessary to carry out the purpose and
4 provisions of this section.

5 § 10. Section 209-w of the general municipal law, as added by chapter
6 369 of the laws of 1976, subdivisions 1 and 5 as amended by chapter 225
7 of the laws of 1979, is amended to read as follows:

8 § 209-w. Permanent appointment of fire fighters; completion of train-
9 ing program. 1. Notwithstanding the provisions of any general, special,
10 or local law or charter to the contrary, no person shall, after the
11 effective date of regulations adopted by the [governor pursuant to
12 section one hundred fifty-nine-d] state fire administrator pursuant to
13 section one hundred fifty-eight of the executive law, receive an
14 original appointment on a permanent basis as a fire fighter of any coun-
15 ty, city, town, village, or fire district unless such person has previ-
16 ously been awarded a certificate by the state fire administrator attest-
17 ing to his or her satisfactory completion of an approved fire basic
18 training program; and every person who is appointed on a temporary basis
19 or for a probationary term or on other than a permanent basis as a fire
20 fighter of any county, city, town, village or fire district shall
21 forfeit his or her position as such unless he or she previously has
22 satisfactorily completed, or within the time prescribed by regulations
23 promulgated by the [governor pursuant to section one hundred
24 fifty-nine-d] state fire administrator pursuant to section one hundred
25 fifty-eight of the executive law, satisfactorily completes, a fire basic
26 training program for temporary or probationary fire fighters and is
27 awarded a certificate by the state fire administrator attesting thereto.

1 2. The term fire fighter, as used in this section, shall mean a member
2 of a fire department whose duties include fire service as the phrase
3 fire service is defined in paragraph d of subdivision eleven of section
4 three hundred two of the retirement and social security law.

5 3. Nothing in this section shall be construed to exempt any fire
6 fighter or other officer or employee from the provisions of the civil
7 service law.

8 4. The provisions of this section shall not prevent the establishment
9 of more restrictive local requirements for appointment of fire fighters.

10 5. Any person whose name was on an eligible list for appointment in
11 the competitive class of the civil service as a fire fighter on the
12 effective date of any rules and regulations promulgated by the [governor
13 pursuant to section one hundred fifty-nine-d] state fire administrator
14 pursuant to section one hundred fifty-eight of the executive law shall
15 continue to remain eligible for permanent appointment from such list
16 during the life of such list without satisfying the requirements set
17 forth in subdivision one of this section, provided he or she would
18 otherwise have remained eligible for permanent appointment from such
19 list if this section had not been enacted.

20 6. The provisions of this section shall not apply to appointments made
21 by any county, city, town, village or fire district which employs five
22 or fewer fire fighters.

23 § 11. This act shall take effect immediately.

24 PART B

25 Section 1. The executive law is amended by adding a new section 29-j
26 to read as follows:

1 § 29-j. Acceptance of gifts. 1. The state office of emergency manage-
2 ment within the division of homeland security and emergency services may
3 accept any assistance, including but not limited to gifts or grants of
4 real or personal property, but not including money, from any public or
5 private source for the purpose of preparing for, responding to, or
6 recovering from a state disaster emergency. Such assistance may be used
7 to support state and local disaster operations or distributed to disas-
8 ter response organizations supporting local disaster response oper-
9 ations. To the extent practicable, the office of emergency management
10 shall distribute such assistance in consultation with local governments,
11 not-for-profit organizations, and other disaster response organizations
12 that have experience responding to state disaster emergencies.

13 2. The state office of emergency management shall maintain a database
14 of all assistance accepted during the state disaster emergency and shall
15 make such information available to the public on its website. The data-
16 base shall include, but is not limited to, the name of the donor, type
17 of assistance provided, value of the assistance, recipient of the
18 assistance (if available), date of the donation and date of distrib-
19 ution.

20 3. The director of the office of emergency management, in consultation
21 with the commissioner of the division of homeland security and emergency
22 services, may promulgate rules and regulations necessary to implement
23 this section.

24 § 2. This act shall take effect immediately.

1 Section 1. Section 29-i of the executive law, as added by section 1 of
2 part V of chapter 55 of the laws of 2013, is amended to read as follows:

3 § 29-i. Immunity from liability for emergency alerts. Any provider of
4 mobile services, as defined in 47 U.S.C. 153, including its officers,
5 directors, employees, affiliates, vendors and agents, acting on behalf
6 of the state, and any third-party intermediary transmission service
7 provider, including such third-party intermediary transmission service
8 provider's affiliates, officers, directors, employees, vendors and
9 agents, acting directly or indirectly on behalf of the state or on
10 behalf of any such provider of mobile services, that transmits emergency
11 alerts similar to those described in 47 CFR 10.10 and 10.400, or that
12 transmits any other type or form of emergency alert messages, shall not
13 be liable for any act or omission related to or any harm resulting from
14 the transmission of, or failure to transmit, an emergency alert,
15 provided that such provider, officer, director, employee, affiliate,
16 vendor or agent acted reasonably and in good faith.

17 § 2. This act shall take effect immediately.

18 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
19 sion, section or part of this act shall be adjudged by any court of
20 competent jurisdiction to be invalid, such judgment shall not affect,
21 impair, or invalidate the remainder thereof, but shall be confined in
22 its operation to the clause, sentence, paragraph, subdivision, section
23 or part thereof directly involved in the controversy in which such judg-
24 ment shall have been rendered. It is hereby declared to be the intent of
25 the legislature that this act would have been enacted even if such
26 invalid provisions had not been included herein.

1 § 3. This act shall take effect immediately provided, however, that
2 the applicable effective date of Parts A through C of this act shall be
3 as specifically set forth in the last section of such Parts.