

1 Section 1. Section 2 of part H of chapter 503 of the laws of 2009  
2 relating to the disposition of monies recovered by county district  
3 attorneys before the filing of an accusatory instrument, as amended by  
4 section 1 of part B of chapter 57 of the laws of 2011, is amended to  
5 read as follows:

6 § 2. This act shall take effect immediately and shall remain in full  
7 force and effect until March 31, [2012] 2013, when it shall expire and  
8 be deemed repealed.

9 § 2. This act shall take effect immediately and shall be deemed to  
10 have been in full force and effect on and after March 31, 2012.

11 PART G

12 Section 1. Subdivision 2 of section 20 of the executive law is amended  
13 by adding a new paragraph i to read as follows:

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

19 § 2. Subdivision 1 of section 21 of the executive law, as amended by  
20 section 93 of subpart B of part C of chapter 62 of the laws of 2011, is  
21 amended to read as follows:

22 1. There is hereby created in the executive department a disaster  
23 preparedness commission consisting of the commissioners of transporta-  
24 tion, health, division of criminal justice services, education, [social  
25 services,] economic development, agriculture and markets, housing and  
26 community renewal, general services, labor, environmental conservation,

1 mental health, parks, recreation and historic preservation, corrections  
2 and community supervision [and], children and family services, homeland  
3 security and emergency services, and people with developmental disabili-  
4 ties, the president of the New York state energy research and develop-  
5 ment authority, the superintendents of state police, [insurance, bank-  
6 ing,] financial services, the secretary of state, the state fire  
7 administrator, the chair of the public service commission, the adjutant  
8 general, [the directors of the offices within the division of homeland  
9 security and emergency services,] the office for technology, and the  
10 office of victim services, the chairs of the thruway authority, the  
11 metropolitan transportation authority, the port authority of New York  
12 and New Jersey, the chief professional officer of the state coordinating  
13 chapter of the American Red Cross and three additional members, to be  
14 appointed by the governor, two of whom shall be chief executives. Each  
15 member agency may designate an executive level officer of that agency,  
16 with responsibility for disaster preparedness matters, who may represent  
17 that agency on the commission. The commissioner of the division of home-  
18 land security and emergency services shall serve as chair of the commis-  
19 sion, and the governor shall designate the vice chair of the commission.  
20 The members of the commission, except those who serve ex officio, shall  
21 be allowed their actual and necessary expenses incurred in the perform-  
22 ance of their duties under this article but shall receive no additional  
23 compensation for services rendered pursuant to this article.

24 § 3. Paragraph f of subdivision 3 of section 21 of the executive law,  
25 as amended by section 2 of part B of chapter 56 of the laws of 2010, is  
26 amended to read as follows:

27 f. (1) unless it deems it unnecessary, create, following the declara-  
28 tion of a state disaster emergency, a temporary organization in the

1 disaster area to provide for integration and coordination of efforts  
2 among the various federal, state, municipal and private agencies  
3 involved. The commission, upon a finding that a municipality is unable  
4 to manage local disaster operations, may, with the approval of the  
5 governor, direct the temporary organization to assume direction of the  
6 local disaster operations of such municipality, for a specified period  
7 of time, and in such cases such temporary organization shall assume  
8 direction of such local disaster operations, subject to the supervision  
9 of the commission. In such event, such temporary organization may  
10 utilize such municipality's local resources, provided, however, that the  
11 state shall not be liable for any expenses incurred in using such  
12 municipality's resources. The state shall not be liable for the expenses  
13 incurred in using third party, non-state resources deployed to the  
14 affected area by the temporary organization, which are necessary to  
15 protect life and safety;

16 (2) The state incident management team shall have the authority to act  
17 as the operational arm of the temporary organization. When called to  
18 duty and deployed by the state, members of any state or local incident  
19 management team shall be deemed temporary employees of the state and  
20 shall have the same privileges and immunities afforded to regular state  
21 employees, subject to the rules and regulations promulgated by the pres-  
22 ident of the state civil service commission pursuant to section one  
23 hundred sixty-three of the civil service law;

24 § 4. Subdivision 5 of section 21 of the executive law, as added by  
25 section 2 of part B of chapter 56 of the laws of 2010, is amended to  
26 read as follows:

27 5. The state office of emergency management within the division of  
28 homeland security and emergency services shall serve as the [staff]

1 operational arm of the commission and shall be responsible for imple-  
2 menting provisions of this article and the rules and policies adopted by  
3 the commission. The director of the state office of emergency manage-  
4 ment within the division of homeland security and emergency services  
5 shall exercise the authority given to the disaster preparedness commis-  
6 sion in section twenty-nine of this article, to coordinate and direct  
7 state agencies and assets in response to a state disaster emergency on  
8 behalf of the governor and the chair of the disaster preparedness  
9 commission. If the director of the state office of emergency management  
10 is unable to exercise this authority, then the executive deputy commis-  
11 sioner of the division of homeland security and emergency services shall  
12 act in this capacity. In the event that the executive deputy commission-  
13 er is unable to exercise this authority, then such authority shall be  
14 exercised by the official willing and able to do so in the following  
15 order: the state fire administrator; the superintendent of the division  
16 of state police; or the director of the office of counterterrorism with-  
17 in the division of homeland security and emergency services.

18 § 5. The opening paragraph and paragraph f of subdivision 1 of section  
19 24 of the executive law, the opening paragraph as amended by chapter 158  
20 of the laws of 1994 and paragraph f of subdivision 1 as amended by  
21 section 5 of part B of chapter 56 of the laws of 2010, are amended to  
22 read as follows:

23 Notwithstanding any inconsistent provision of law, general or special,  
24 in the event of a disaster, rioting, catastrophe, or similar public  
25 emergency within the territorial limits of any county, city, town or  
26 village, or in the event of reasonable apprehension of immediate danger  
27 thereof, and upon a finding by the chief executive thereof that the  
28 public safety is imperiled thereby, such chief executive may proclaim a

1 local state of emergency within any part or all of the territorial  
2 limits of such local government; provided, however, that in the event of  
3 a radiological accident as defined in section twenty-nine-c of this  
4 article, such chief executive may request of the governor a declaration  
5 of disaster emergency. Such proclamation shall remain in effect for a  
6 period not to exceed thirty days or until rescinded by the chief execu-  
7 tive, whichever occurs first. The chief executive may issue additional  
8 proclamations to extend the state of emergency for additional periods  
9 not to exceed thirty days. Following such proclamation and during the  
10 continuance of such local state of emergency, the chief executive may  
11 promulgate local emergency orders to protect life and property or to  
12 bring the emergency situation under control. As illustration, such  
13 orders may, within any part or all of the territorial limits of such  
14 local government, provide for:

15 f. the establishment or designation of emergency shelters, emergency  
16 medical shelters, and in consultation with the state commissioner of  
17 health, [alternate medical care sites] community based care centers;

18 § 6. Subdivision 3 of section 24 of the executive law, as added by  
19 chapter 640 of the laws of 1978, is amended to read as follows:

20 3. The proclamation of a local state of emergency and local emergency  
21 orders of a chief executive of a county shall be executed in [tripli-  
22 cate] quadruplicate and shall be filed within seventy-two hours or as  
23 soon thereafter as practicable in the office of the clerk of the govern-  
24 ing board of the county, the office of the county clerk [and], the  
25 office of the secretary of state and the state office of emergency  
26 management within the division of homeland security and emergency  
27 services. The proclamation of a local state of emergency and local emer-  
28 gency orders of a chief executive of a city, town or village shall be

1 executed in [triplicate] quadruplicate and shall be filed within seven-  
2 ty-two hours or as soon thereafter as practicable in the office of the  
3 clerk of such municipal corporation, the office of the county clerk  
4 [and], the office of the secretary of state and the state office of  
5 emergency management within the division of homeland security and emer-  
6 gency services.

7 § 7. Subdivision 1 of section 29-a of the executive law, as added by  
8 chapter 640 of the laws of 1978, is amended to read as follows:

9 1. Subject to the state constitution, the federal constitution and  
10 federal statutes and regulations, [and after seeking the advice of the  
11 commission,] the governor may by executive order temporarily suspend  
12 specific provisions of any statute, local law, ordinance, or orders,  
13 rules or regulations, or parts thereof, of any agency during a state  
14 disaster emergency, if compliance with such provisions would prevent,  
15 hinder, or delay action necessary to cope with the disaster.

16 § 8. Paragraph c of subdivision 2 of section 29-h of the executive  
17 law, as added by section 10-a of part B of chapter 56 of the laws of  
18 2010, is amended to read as follows:

19 c. "Local emergency management [officer] director" means the local  
20 government official responsible for emergency preparedness, response and  
21 recovery;

22 § 9. Paragraph a of subdivision 6 of section 29-h of the executive  
23 law, as added by section 10-a of part B of chapter 56 of the laws of  
24 2010, is amended to read as follows:

25 a. A participating local government may request assistance of other  
26 participating local governments in preventing, mitigating, responding to  
27 and recovering from disasters that result in locally-declared emergen-  
28 cies, or for the purpose of conducting multi-jurisdictional or regional

1 training, drills or exercises. Requests for assistance may be made  
2 verbally or in writing; verbal requests shall be memorialized in writing  
3 as soon thereafter as is practicable. Notwithstanding the provisions of  
4 section twenty-five of this article, the local emergency management  
5 director shall have the authority to request and accept assistance and  
6 deploy the local resources of his or her jurisdiction under the intra-  
7 state mutual aid program.

8 § 10. Paragraph b of subdivision 8 of section 29-h of the executive  
9 law is relettered paragraph d and two new paragraphs b and c are added  
10 to read as follows:

11 b. Notwithstanding any inconsistent provision of law, general, special  
12 or local, any requesting local government shall be liable and responsi-  
13 ble to the assisting local government for any loss or damage to equip-  
14 ment or supplies and shall bear and pay the expense incurred in the  
15 operation and maintenance of any equipment and the cost of materials and  
16 supplies used in rendering assistance under this section.

17 c. The assisting local government shall be liable for salaries or  
18 other compensation for its employees deployed to a requesting local  
19 government during the time they are not performing their duties pursuant  
20 to such request, and shall defray the actual traveling and maintenance  
21 expense of its employees and equipment while they are rendering assist-  
22 ance under this section. The receiving local government shall reimburse  
23 the assisting local government for any moneys paid for such salaries or  
24 other compensation and traveling and maintenance expenses.

25 § 11. Subdivisions 9 and 10 of section 29-h of the executive law are  
26 renumbered subdivisions 10 and 11 and subdivision 10, as added by  
27 section 10-a of part B of chapter 56 of the laws of 2010, is amended to  
28 read as follows:

1 10. Liability. a. Each local government is responsible for procuring  
2 and maintaining insurance or other coverage as it deems appropriate.

3 b. While in the performance of their duties under the intrastate  
4 mutual aid program, employees of the assisting local government shall  
5 have the same immunities and privileges as if such duties were performed  
6 within their home jurisdiction. An assisting local government providing  
7 assistance pursuant to the intrastate mutual aid program shall be liable  
8 for the negligence of its employees, which occurs in the performance of  
9 their duties in the same manner and to the same extent as if such negli-  
10 gence occurred in the performance of their duties in their home juris-  
11 diction.

12 c. Employees of an assisting local government responding to or render-  
13 ing assistance pursuant to a request who sustain injury or death in the  
14 course of, and arising out of, their response are entitled to all appli-  
15 cable benefits as if they were responding in their home jurisdiction.  
16 The assisting local government shall be liable for all costs or payments  
17 for such benefits as required by law.

18 d. Nothing in this section shall be construed to prevent the assisting  
19 and receiving local governments from agreeing to other terms related to  
20 liability and workers' compensation because of existing statutes, laws,  
21 rules or regulations. Local governments may choose to enter into an  
22 agreement, at any time, to alter these terms as they deem necessary.

23 e. Nothing in this section shall be construed to provide any  
24 protection against liability, or to create any liability, for an indi-  
25 vidual who responds to a state of emergency where aid has not been  
26 requested, or where aid has not been authorized by the individual's  
27 [local government] home jurisdiction.

1 § 12. Section 29-h of the executive law is amended by adding two new  
2 subdivisions 9 and 12 to read as follows:

3 9. Performance of services. a. (1) Emergency response personnel of an  
4 assisting local government shall continue under the administrative  
5 control of their jurisdiction. However, in all other cases where not  
6 prohibited by existing statute or other authority, emergency response  
7 personnel of an assisting local government shall be under the direction  
8 and control of the appropriate officials within the incident management  
9 system of the requesting local government;

10 (2) Performance by employees of an assisting local government of  
11 services for a requesting local government pursuant to this section  
12 shall have no impact upon whether negotiating unit employees represented  
13 by an employee organization, recognized or certified pursuant to section  
14 two hundred six or two hundred seven of the civil service law, exclu-  
15 sively perform such services, as that phrase is used by the public  
16 employment relations board, on behalf of the requesting local govern-  
17 ment;

18 b. Assets and equipment of an assisting local government shall contin-  
19 ue under the ownership of the assisting jurisdiction, but shall be under  
20 the direction and control of the appropriate officials within the inci-  
21 dent management system of the requesting local government.

22 12. License, certificate and permit portability. a. State certified  
23 emergency medical services providers who respond outside of their normal  
24 jurisdiction pursuant to a request for assistance under this program  
25 shall follow their normal operating protocols as if they were responding  
26 and rendering services in their home jurisdiction.

27 b. Any other individual deployed through a participating local govern-  
28 ment who is certified or permitted either locally or regionally when

1 responding pursuant to a request for assistance under this program shall  
2 have the same powers and duties as if they were responding in their home  
3 jurisdiction.

4 § 13. This act shall take effect immediately.

5 PART H

6 Section 1. Paragraph 1 of subdivision j of section 41 of the retire-  
7 ment and social security law, as amended by chapter 397 of the laws of  
8 2009, is amended to read as follows:

9 1. In addition to any other service credit to which he or she is enti-  
10 tled, a member who meets the requirements set forth in paragraphs two  
11 and three of this subdivision shall be granted one day of additional  
12 service credit for each day of accumulated unused sick leave which he or  
13 she has at time of retirement for service, but such credit shall not (a)  
14 exceed one hundred sixty-five days, (b) be considered in meeting any  
15 service or age requirements prescribed in this chapter, and (c) be  
16 considered in computing final average salary. However, for an executive  
17 branch member designated managerial or confidential pursuant to article  
18 fourteen of the civil service law or in the collective negotiating units  
19 established by article fourteen of the civil service law designated the  
20 professional, scientific and technical services unit, the rent regu-  
21 lation services negotiating unit, the security services negotiating  
22 unit, the security supervisors negotiating unit, the state university  
23 professional services negotiating unit, the administrative services  
24 negotiating unit, the institutional services negotiating unit, the oper-  
25 ational services negotiating unit and the division of military and naval  
26 affairs negotiating unit such service credit limitation provided in