PART B

Section 1. Section 20 of the executive law, as added by chapter 640 of the laws of 1978, paragraph a of subdivision 2 as amended by chapter 781 of the laws of 1988, is amended to read as follows:

§ 20. Natural and man-made disasters; policy; definitions. 1. It shall be the policy of the state that:

a. local government and emergency service organizations continue their essential role as the first line of defense in times of disaster, and that the state provide appropriate supportive services to the extent necessary;

b. local chief executives take an active and personal role in the development and implementation of disaster preparedness programs and be vested with authority and responsibility in order to insure the success of such programs;

c. state and local natural disaster and emergency response functions be coordinated using recognized practices in incident management in order to bring the fullest protection and benefit to the people;

d. state resources be organized and prepared for immediate effective response to disasters which are beyond the capability of local government and emergency service organizations; and

e. state and local plans, organizational arrangements, and response capability required to execute the provisions of this article shall at all times be the most effective that current circumstances and existing resources allow.

2. As used in this article the following terms shall have the following meanings:

a. "disaster" means occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, air contamination, terrorism, cyber event, blight, drought, infestation, explosion, radio-
logical accident, nuclear, chemical, biological, or bacteriological release, water contamination, bridge failure or bridge collapse.

b. "state disaster emergency" means a period beginning with a declaration by the governor that a disaster exists and ending upon the termination thereof.

c. "municipality" means a public corporation as defined in subdivision one of section sixty-six of the general construction law and a special district as defined in subdivision sixteen of section one hundred two of the real property tax law.

d. "commission" means the disaster preparedness commission created pursuant to section twenty-one of this article.

e. "emergency services organization" means a public or private agency, voluntary organization or group organized and functioning for the purpose of providing fire, medical, ambulance, rescue, housing, food or other services directed toward relieving human suffering, injury or loss of life or damage to property as a result of an emergency, including non-profit and governmentally-supported organizations, but excluding governmental agencies.

f. "chief executive" means:

(1) a county executive or manager of a county;

(2) in a county not having a county executive or manager, the chairman or other presiding officer of the county legislative body;

(3) a mayor of a city or village, except where a city or village has a manager, it shall mean such manager; and

(4) a supervisor of a town, except where a town has a manager, it shall mean such manager.

g. "Disaster emergency response personnel" means agencies, officers, employees, or affiliated volunteers having duties and responsibilities under or pursuant to a comprehensive emergency management plan.

h. "Emergency management director" means the government official responsible for emergency preparedness, response and recovery for a county, city, town, or village.
§ 2. Section 21 of the executive law, as added by chapter 640 of the laws of 1978, subdivision 1 as amended by chapter 346 of the laws of 2002, subdivision 2 as amended by chapter 158 of the laws of 1994, paragraph c of subdivision 3 as amended by chapter 42 of the laws of 2004, and paragraphs f, g, h, i, and j of subdivision 3 as amended and paragraph k of subdivision 3 as added by chapter 171 of the laws of 2006, is amended to read as follows:

§ 21. Disaster preparedness commission established; meetings; powers and duties. 1. There is hereby created in the executive department a disaster preparedness commission consisting of the commissioners of transportation, health, division of criminal justice services, education, social services, economic development, agriculture and markets, housing and community renewal, general services, labor, environmental conservation, mental health, parks, recreation and historic preservation, correctional services and children and family services, the president of the New York state energy research and development authority, the superintendents of state police, insurance, banking, the secretary of state, the state fire administrator, the chair of the public service commission, the adjutant general, the directors of the state offices within the division of homeland security and emergency services, the office for technology, and the chairman of the port authority of New York and New Jersey, the chief professional officer of the state coordinating chapter of the American Red Cross and three additional members, to be appointed by the governor, two of whom shall be chief executives. Each member agency may designate an officer of that agency, with responsibility for disaster
preparedness matters, who may represent that agency on the
commission.

The commissioner of the division of homeland security and
emergency
services shall serve as chair of the commission, and the governor
shall designate the vice chair of the commission. The members of the
commission, except those who serve ex officio, shall be allowed their
actual
and necessary expenses incurred in the performance of their duties
under
this article but shall receive no additional compensation for
services
rendered pursuant to this article.

2. The commission, on call of the chairperson, shall meet at
least
twice each year and at such other times as may be necessary. The
agenda
and meeting place of all regular meetings shall be made available to
the
public in advance of such meetings and all such meetings shall be
open
to the public. The commission shall establish quorum requirements
and
other
affairs. [The adjutant general shall serve as secretary to the
commission and provide staff services as may be necessary through the
state
emergency management office.]

3. The commission shall have the following powers and
responsibilities:

a. study all aspects of man-made or natural disaster
prevention,
response and recovery;
b. request and obtain from any state or local officer or agency
any
information necessary to the commission for the exercise of its
responsibilities;
c. prepare [state disaster preparedness plans, to be approved by
the
governor, and review such plans and report thereon] and, as
appropriate,
revise a state comprehensive emergency management plan. The
commission
shall report all revisions to such plan by March thirty-first of
each
year to the governor, the legislature and the chief judge of the
state,
unless a current version of the plan is available to the public on
the
website of the division of homeland security and emergency services.

In
preparing such plans, the commission shall consult with federal and local officials, emergency service organizations including both volunteer and commercial emergency response organizations, and the public as it deems appropriate. To the extent such plans impact upon administration of the civil and criminal justice systems of the state, including their operational and fiscal needs in times of disaster emergency, the commission, its staff and any working group, task force, agency or other instrumentality to which it may delegate responsibility to assist it in its duties shall consult with the chief administrator of the courts and coordinate their preparation with him or her or with his or her representatives; d. prepare, keep current and distribute to chief executives and others an inventory of programs directly relevant to prevention, minimization of damage, readiness, operations during disasters, and recovery following disasters; e. direct state disaster operations and coordinate state disaster operations with local disaster operations following the declaration of a state disaster emergency; f. unless it deems it unnecessary, create, following the declaration of a state disaster emergency, a temporary organization in the disaster area to provide for integration and coordination of efforts among the various federal, state, municipal and private agencies involved. The commission, upon a finding that a municipality is unable to manage local disaster operations, may, with the approval of the governor, direct the temporary organization to assume direction of the local disaster operations of such municipality, for a specified period of time, and in such cases such temporary organization shall assume direction of such local disaster operations, subject to the supervision of the commission.
6 such event, such temporary organization may utilize such municipality's local resources, provided, however, that the state shall not be liable for any expenses incurred in using such municipality's resources; g. assist in the coordination of federal recovery efforts and coordinate recovery assistance by state and private agencies; h. provide for periodic briefings, drills, exercises or other means to assure that all state personnel with direct responsibilities in the event of a disaster are fully familiar with response and recovery plans and the manner in which they shall carry out their responsibilities, and coordinate with federal, local or other state personnel. Such activities may take place on a regional or county basis, and local and federal participation shall be invited and encouraged; i. submit to the governor, the legislature and the chief judge of the state by March thirty-first of each year an annual report which shall include but need not be limited to: (1) a summary of commission and state agency activities for the year and plans for the ensuing year with respect to the duties and responsibilities of the commission; (2) recommendations on ways to improve state and local capability to prevent, prepare for, respond to and recover from disasters; (3) the status of the state and local plans for disaster preparedness and response, including the name of any locality which has failed or refused to develop and implement its own disaster preparedness plan and program; and the extent to which all forms of local emergency response assets have been included, and accounted for in planning and preparation for disaster preparedness and response; and j. [coordinate and, to the extent possible and feasible, integrate commission activities, responsibilities and duties with those of the civil defense commission; and k.] develop public service announcements to be distributed to television and radio stations and other media throughout the state informing the public how to prepare and respond to disasters. Such public service
announcements shall be distributed in English and such other languages as such commission deems appropriate.

4. All powers of the state civil defense commission are assigned to the commission.

5. The office of emergency management within the division of homeland security and emergency services shall serve as the staff arm of this commission and shall be responsible for implementing provisions of this article and the rules and policies adopted by the commission.

§ 3. Subdivision 3 of section 22 of the executive law, as added by chapter 640 of the laws of 1978, subparagraph 8 of paragraph b as amended by chapter 42 of the laws of 2004 and subparagraphs 14 and 15 of paragraph b as amended and subparagraph 16 of paragraph b as added by chapter 677 of the laws of 2006, is amended to read as follows:

3. Such plans shall be prepared with such assistance from other agencies as the commission deems necessary, and shall include, but not be limited to:

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

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1 (1) identification of [potential disasters and disaster sites] hazards and assessment of risk;

2 (2) recommended disaster prevention and mitigation projects, policies,

3 priorities and programs, with suggested implementation schedules, which

4 outline federal, state and local roles;

5 (3) suggested revisions and additions to building and safety codes,

6 and zoning and other land use programs;

7 (4) suggested ways in which state agencies can provide technical assistance to municipalities in the development of local disaster prevention and mitigation plans and programs;

8 (5) such other measures as reasonably can be taken to [prevent disasters or mitigate their impact] protect lives, prevent disasters, and reduce the impact of disasters.

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

(1) [centralized] coordination of resources, manpower and services, using recognized practices in incident management and utilizing existing organizations and lines of authority and centralized direction of requests for assistance;

(2) the location, procurement, construction, processing, transportation, storing, maintenance, renovation, distribution, disposal or use of materials, including those donated, and facilities and services;

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

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

(5) a specific plan for rapid and efficient communication, and for the integration of state communication facilities during a state disaster emergency, including the assignment of responsibilities and the establishment of communication priorities, and liaison with municipal, private and federal communication facilities;

(6) a plan for coordinated evacuation procedures, including the establishment of temporary housing and other necessary facilities;

(7) criteria for establishing priorities with respect to the restoration of vital services and debris removal;

(8) plans for the continued effective operation of the civil and criminal justice systems;

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

(10) providing information to the public;

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

(12) utilization and coordination of programs to assist victims of disasters, with particular attention to the needs of the poor, the elderly, [the handicapped] individuals with disabilities and other groups which may be especially affected;

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

(14) arrangements to administer federal disaster assistance;
(15) a system for obtaining and coordinating disaster information

situational awareness including the centralized assessment of disaster effects and resultant needs; and

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

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1 particular attention to means of evacuation, shelter and transportation

c. Recovery. Plans to provide for recovery and redevelopment after disaster emergencies shall include, but not be limited to:

(1) measures to coordinate state agency assistance in recovery efforts;

(2) arrangements to administer federal recovery assistance; and

(3) such other measures as reasonably can be taken to assist in the development and implementation of local disaster recovery plans.

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

§ 23. Local disaster preparedness comprehensive emergency management

1. Each county, except those contained within the city of New York, and each city, town and village is authorized to prepare disaster preparedness comprehensive emergency management plans. The disaster preparedness commission shall provide assistance and advice for the development of such plans. City, town and village plans shall be coordinated with the county plan.

2. The purpose of such plans shall be to minimize the effect of disasters by (i) identifying appropriate local measures to prevent disasters, and

(ii) developing mechanisms to coordinate the use of local resources and
manpower for service during and after disasters and the delivery of services to aid citizens and reduce human suffering resulting from a disaster, and (iii) providing for recovery and redevelopment after disasters.

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

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

5. In preparing such plans, cooperation, advice and assistance shall be sought from local government officials, regional and local planning agencies, police agencies, fire departments and fire companies, local civil defense emergency management agencies, commercial and volunteer ambulance services, health and social services officials, community action agencies, the chief administrator of the courts, organizations for the elderly and the handicapped, other interested groups and the general public. Such advice and assistance may be obtained through public hearings held on public notice, or through other appropriate methods.

6. All plans for disaster preparedness comprehensive emergency management developed by local governments or any revisions thereto shall be submitted to the commission by December thirty-first of each year to facilitate state coordination of disaster operations.

7. Such plans shall include, but not be limited to:
   a. Disaster prevention and mitigation. Plans to prevent and minimize the effects of disasters shall include, but not be limited to:
      (1) identification of potential disasters and disaster sites;
(3) suggested revisions and additions to building and safety codes and zoning and other land use programs;
(4) such other measures as reasonably can be taken to prevent disasters or mitigate their impact to protect lives, prevent disasters, and reduce their impact.

b. Disaster response. Plans to coordinate the use of resources and manpower for service during and after disasters and to deliver services to aid citizens and reduce human suffering resulting from a disaster shall include, but not be limited to:
(1) centralized coordination of resources, manpower and services, using recognized practices in incident management, utilizing existing organizations and lines of authority and centralized direction of requests for assistance;
(2) the location, procurement, construction, processing, transportation, storing, maintenance, renovation, distribution, disposal or use of materials, including those donated, and facilities and services which may be required in time of disaster;
(3) a system for warning populations who are or may be endangered;
(4) arrangements for activating municipal and volunteer forces, through normal chains of command so far as possible, and for continued communication and reporting;
(5) a specific plan for rapid and efficient communication and for the integration of local communication facilities during a disaster including the assignment of responsibilities and the establishment of communication priorities and liaison with municipal, private, state and federal communication facilities;
(6) a plan for coordination evacuation procedures including the establishment of temporary housing and other necessary facilities;
(7) criteria for establishing priorities with respect to the restoration of vital services and debris removal;
(8) plans for the continued effective operation of the civil and criminal justice systems;
(9) provisions for training local government personnel and volunteers in disaster response operations;
(10) providing information to the public;
(11) care for the injured and needy and identification and disposition of the dead;
(12) utilization and coordination of programs to assist victims of disasters, with particular attention to the needs of the poor, the elderly, [the handicapped] **individuals with disabilities** and other groups which may be especially affected;
(13) control of ingress and egress to and from a disaster area;
(14) arrangements to administer state and federal disaster assistance;
(15) procedures under which the county, city, town, village or other political subdivision and emergency organization personnel and resources will be used in the event of a disaster;
(16) a system for obtaining and coordinating disaster information including the centralized assessment of local disaster effects and resultant needs;
(17) continued operation of governments of political subdivisions; and
(18) utilization and coordination of programs to assist individuals with household pets and service animals following a disaster, with particular attention to means of evacuation, shelter and transportation options.

c. Recovery. Local plans to provide for recovery and redevelopment after disasters shall include, but not be limited to:
(1) recommendations for replacement, reconstruction, removal or relocation of damaged or destroyed public or private facilities, proposed new or amendments to zoning, subdivision, building, sanitary or fire prevention regulations and recommendations for economic development and community development in order to minimize the impact of any potential future disasters on the community.
(2) provision for cooperation with state and federal agencies in recovery efforts.
(3) provisions for training and educating local disaster officials or organizations in the preparation of applications for federal and state disaster recovery assistance.
§ 5. Paragraph f of subdivision 1 of section 24 of the executive law, as added by chapter 158 of the laws of 1994, is amended to read as follows:

f. the establishment or designation of emergency shelters [and/or] emergency medical shelters, and in consultation with the state commissioner of health, alternate medical care sites;

§ 6. Subdivisions 2 and 3 of section 26 of the executive law, subdivision 2 as added by chapter 640 of the laws of 1978 and subdivision 3 as amended by chapter 158 of the laws of 1994, are amended to read as follows:

2. Coordination of assistance shall utilize existing organizations and lines of authority and shall utilize any disaster preparedness or civil defense plans comprehensive emergency management plans prepared by the affected municipality.

3. A chief executive or any elected or appointed county, city, town or village official shall not be held responsible for acts or omissions of municipal employees, disaster preparedness forces or civil defense forces when performing disaster assistance pursuant to a declared disaster emergency or when exercising disaster emergency management plans.

§ 7. Section 29-b of the executive law, as added by chapter 640 of the laws of 1978, is amended to read as follows:

§ 29-b. Use of disaster emergency response personnel in disasters. 1. The governor may, in his or her discretion, direct the state [civil defense commission] disaster preparedness commission to conduct [a civil defense drill] an emergency exercise or drill, under its direction, in which all or any of the [civil defense forces] personnel and resources of the agencies of the commission of the state may be utilized to perform the duties assigned to them in a [civil defense-emergency] disaster, for the purpose of protecting and preserving human life or property in a disaster. [In such event, civil defense
During a disaster or such drill or exercise, disaster emergency response personnel in the state shall operate under the direction and command of the chair of such commission, and shall possess the same powers, duties, rights, privileges and immunities as are applicable in a civil defense drill held at the direction of the state civil defense commission under the provisions of the New York state defense emergency act.

2. Local use of disaster emergency response personnel. a. Upon the threat or occurrence of a disaster, and during and immediately following the same, and except as otherwise provided in S. 6606--B

paragraph d of this subdivision, the county chief executive may direct the emergency management director of a county to assist in the protection and preservation of human life or property by holding a civil defense drill and training exercise at the scene of the disaster and at any other appropriate places within the county, which all or any civil defense forces may be called upon calling upon disaster emergency response personnel employed by or supporting that county, as specified in the county comprehensive emergency management plan, to perform the duties assigned to them.

b. The disaster emergency response personnel of the county shall be regarded as a reserve disaster force to be activated, in whole or in part, by the county emergency management director upon the direction of the county chief executive when the county chief executive, in his or her discretion, is convinced that the personnel and resources of local municipal and private agencies normally available for disaster assistance are insufficient adequately to cope with the disaster.
c. Except as provided in paragraph d of this subdivision, the county chief executive may exercise the power conferred upon him in paragraph a of this subdivision, or may deactivate the [civil defense forces] disaster emergency response personnel of the county in whole or in part, on his own motion or upon the request of the chief executive officer of a village, town or city located within the county of which he is an officer.

d. Where the local office of [civil defense] public safety or emergency management in a city is independent of the county office of [civil defense] public safety or emergency management and is not consolidated therewith, the county chief executive may direct the [civil defense] emergency management director of the county to render assistance within such city only when the chief executive officer of such city has certified to him that the [civil defense forces] disaster emergency response personnel of the city have been activated pursuant to the provisions of subdivision three of this section and that all resources available locally are insufficient adequately to cope with the disaster.

e. When performing disaster assistance pursuant to this section, county [civil defense forces] disaster emergency response personnel shall operate under the direction and command of the county [civil defense] emergency management director and his or her duly authorized deputies, and shall possess the same powers, duties, rights, privileges and immunities they would possess when performing their duties in a locally sponsored civil defense drill or training exercise in the civil or political subdivision in which they are enrolled, employed or assigned.

f. The chief executive officer of a city shall be responsible for the conduct of disaster operations within the city, including the operations directed by the county [civil defense] emergency management director.
48 when rendering disaster assistance within a city pursuant to this
49 section.
50 g. Outside of a city, the sheriff of the county, and in Nassau
51 county
52 the
53 operations of the [civil defense director] emergency management
director
54 when rendering peace officer duties incident to disaster assistance.
The
55 sheriff and such commissioner may delegate such supervisory power to
an
56 elected or appointed town or village official in the area affected.
57
58 h. Neither the chief executive officer of a city, nor the county
59 chief
60 executive, nor any elected or appointed town or village official to
whom
61 the county chief executive has delegated supervisory power as
aforesaid
62 shall be held responsible for acts or omissions of [civil defense
63 forces] disaster emergency response personnel when performing
disaster
64 assistance.
65
66 3. City use of [civil defense forces] disaster emergency
response
67 a. Upon the threat or occurrence of a disaster, and
68 during
69 and immediately following the same, and except as otherwise provided
in
70 paragraph d of this subdivision, the chief executive of a city
may
71 direct the [civil defense] emergency management
director of the city
to
72 assist in the protection and preservation of human life or property
by
73 [holding a civil defense drill and training exercise at the scene of
the
disaster and at any other appropriate places within the city, in
which
all or any civil defense forces may be called upon] calling upon
city
disaster emergency response personnel to perform the [civil
defense]
emergency response duties assigned to them.
74 b. The [civil defense forces] disaster emergency response personnel
of
75 the city shall be regarded as a reserve disaster force to be
activated,
76 in whole or in part, by the city [civil defense] emergency
management
director upon the direction of the chief executive officer of the
when the latter, in his or her discretion, is convinced that the personnel and resources of local municipal and private agencies normally available for disaster assistance are insufficient adequately to cope with the disaster.

c. Except as provided in paragraph d of this subdivision, the chief executive officer of a city may exercise the power conferred upon him in paragraph a of this subdivision, or may deactivate the civil defense forces disaster emergency response personnel of the city in whole or in part, on his own motion or upon the request of the head of the city police force.

d. Where the local office of civil defense emergency management in a city is under the jurisdiction of a consolidated county office of civil defense as provided in the New York state defense emergency act, the chief executive officer of such city seeking the assistance of civil defense forces disaster emergency response personnel in the protection and preservation of human life or property within such city because of such disaster, must request the same from the county chief executive in which such city is located, in the same manner as provided for assistance to towns and villages in subdivision two of this section.

e. When performing disaster assistance pursuant to this subdivision, city civil defense forces disaster emergency response personnel shall operate under the direction and command of the city civil defense director emergency management director and his or her duly authorized deputies, and shall possess the same powers, duties, rights, privileges, and immunities they would possess when performing their duties in a locally sponsored civil defense drill or training exercise in the city in which they are enrolled, employed or assigned civil defense emergency response responsibilities.

f. Where the city civil defense forces disaster emergency response personnel have been directed to assist in local disaster operations
pursuant to paragraph a of this subdivision, and the chief executive officer of the city is convinced that the personnel and resources of local municipal and private agencies normally available for disaster assistance, including local \textit{civil defense forces} disaster emergency response personnel, are insufficient adequately to cope with the disaster. S. 6606--B

1. or she may certify the fact to the county chief executive and request the county chief executive to direct the county \textit{civil defense} emergency management director to render assistance in the city, as provided in subdivision two of this section.

g. The chief executive officer of a city shall be responsible for the conduct of disaster operations within the city, including the operations directed by the county \textit{civil defense} emergency management director, when rendering disaster assistance within a city pursuant to this subdivision.

h. Neither the chief executive officer of a city, nor the county chief executive, shall be held responsible for acts or omissions of \textit{civil defense forces} disaster emergency response personnel when performing disaster assistance.

§ 8. Paragraph (e) of subdivision 1 of section 29-e of the executive law, as added by chapter 603 of the laws of 1993, is amended to read as follows:

(e) "The \textit{state} office of emergency management \textit{office}" shall mean the office within the \textit{office of military and naval affairs that assists the disaster preparedness commission in implementing the powers and duties of the disaster preparedness commission} division of homeland security and emergency services.

§ 9. Paragraphs (a), (f) and (g) of subdivision 3 of section 29-e of the executive law, as added by chapter 603 of the laws of 1993, are amended to read as follows:

(a) Upon the issuance of a declaration of significant economic
distress due to unanticipated natural disaster by the governor, a municipality recognized by the governor as being affected by such disaster which occurred on or after December first, nineteen hundred ninety-two, may apply to the state emergency management office division of homeland security and emergency services on a form prescribed by such office, for reimbursement from the state's contingency reserve fund for reimbursement of extraordinary and unanticipated costs associated with the reconstruction or repair of public buildings, facilities or infrastructure. (f) In providing assistance pursuant to this section, the state emergency management office division of homeland security and emergency services may give preference to applicants which demonstrate the greatest need or which document that such assistance will be utilized to bring the applicant into compliance with federal or state law. (g) In the event that amounts appropriated are insufficient to provide for full reimbursement of all extraordinary and unanticipated costs incurred by such municipality approved for reimbursement pursuant to this section, the state emergency management office division of homeland security and emergency services is authorized to provide a prorata share of the appropriations, appropriated herein, to such municipality. § 10. Paragraphs (a) and (b) of subdivision 4 of section 29-e of the executive law, as added by chapter 603 of the laws of 1993, are amended to read as follows: (a) The adjutant general commissioner of the division of homeland security and emergency services as defined in article nine twenty-six of this chapter with the advice of the disaster preparedness commission created pursuant to this article, shall have the power to make such rules and regulations as may be necessary and proper to effectuate the purposes of this section. (b) The adjutant general commissioner of the division of homeland
security and emergency services shall by March fifteenth of each year report to the governor and the legislature describing the activities and operation of the program authorized by this section. Such report shall set forth the number of reimbursement applications received and approved; the identities of the counties, cities, towns and villages receiving reimbursement together with the amount and purpose of the reimbursement.

§ 10-a. The executive law is amended by adding a new section 29-h to read as follows:

$ 29-h. Intrastate mutual aid program. 1. Creation. There is hereby created the intrastate mutual aid program to complement existing mutual aid agreements in the event of a disaster that results in a formal declaration of an emergency by a participating local government.

All local governments within the state, excepting those which affirmatively choose not to participate in accordance with subdivision four of this section, are deemed to be participants in the program.

2. Definitions. As used in this section, the following terms shall have the following meanings:

a. "Employee" means any person holding a position by election, appointment, or employment by a local government;

b. "Local government" means any county, city, town or village of the state;

c. "Local emergency management officer" means the local government official responsible for emergency preparedness, response and recovery;

d. "Requesting local government" means the local government that asks another local government for assistance during a declared emergency, or for the purposes of conducting training, or undertaking a drill or exercise;

e. "Assisting local government" means one or more local governments that provide assistance pursuant to a request for assistance from a
requesting local government during a declared emergency, or for purposes of conducting training, or undertaking a drill or exercise;

f. "Disaster" shall have the same meaning as in section twenty of this article.

3. Intrastate mutual aid program committee established;

powers and duties. a. There is hereby created within the disaster preparedness commission an intrastate mutual aid program committee, for purposes of this section to be referred to as the committee, which shall be chaired by the commissioner of the division of homeland security and emergency services, and shall include the state fire administrator, the commissioner of health, and the commissioner of agriculture and markets, provided that each such official may appoint a designee to serve in his or her place on the committee. The committee shall also include five representatives from local public safety or emergency response agencies, who shall serve a maximum two-year term, to be appointed by the commissioner of the division of homeland security and emergency services, with regard to a balance of geographic representation and discipline.

b. The committee, on the call of the chairperson, shall meet at least twice each year and at such other times as may be necessary. The agenda and meeting place of all regular meetings shall be made available to the public in advance of such meetings and all such meetings shall be open to the public.

c. The committee shall have the following powers and responsibilities:

(1) to promulgate rules and regulations, acting through the division of homeland security and emergency services, to implement the intrastate mutual aid program as described in this section;

(2) to develop policies, procedures and guidelines associated with the program, including a process for the reimbursement of assisting
governments by requesting local governments;
(3) to evaluate the use of the intrastate mutual aid program; and
(4) to examine issues facing participating local governments regarding
the implementation of the intrastate mutual aid program; and
(5) to prepare reports to the disaster preparedness commission
discussing the effectiveness of mutual aid in the state and
making recommendations for improving the efficacy of the system, if
appropriate.

4. Local government participation in the intrastate mutual aid program. a. A local government may elect not to participate in the intrastate mutual aid program, or to withdraw from the program, by its governing body enacting a resolution declaring that it elects not to participate in the program and providing such resolution to the division of homeland security and emergency services. Participation in the program will continue until a copy of such resolution is received and confirmed by the division of homeland security and emergency services.
b. A local government that has declined to participate in the program may, acting by resolution through its governing body and providing a copy of the resolution to the division of homeland security and emergency services, elect to participate in the program.

c. Nothing in this section shall preclude a local government from entering into mutual aid agreements with other local governments or other entities with terms that supplement or differ from the provisions of this section.
d. Nothing in this section shall affect any other agreement to which a local government may currently be a party, or later enter into, including, but not limited to, the state fire mobilization and mutual aid plan.

5. Fire related resources. Notwithstanding the authority vested pursuant to this section, all fire related resources shall be administered pursuant to section two hundred nine-e of the general municipal law.
6. Requesting assistance under the intrastate mutual aid program.

a. A participating local government may request assistance of other participating local governments in preventing, mitigating, responding to and recovering from disasters that result in locally-declared emergencies, or for the purpose of conducting multi-jurisdictional or regional training, drills or exercises. Requests for assistance may be made verbally or in writing; verbal requests shall be memorialized in writing as soon thereafter as is practicable.

b. Once an emergency is declared at the county level, all requests and offers for assistance, to the extent practical, shall be made through the county emergency management office, or in the case of the city of New York, through the city emergency management office. All requests for assistance should include:

(1) a description of the disaster;
(2) a description of the assistance needed;
(3) a description of the mission for which assistance is requested;
(4) an estimate of the length of time the assistance will be needed;
(5) the specific place and time for staging of the assistance and a point of contact at that location; and
(6) any other information that will enable an assisting local government to respond appropriately to the request.

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1 c. Assisting local governments shall submit to the requesting local government an inventory of the resources being deployed.

d. The written request for assistance and all inventories of resources being deployed shall be submitted to the division of homeland security and emergency services within three calendar days of the request for or deployment of such resources.

7. Division of homeland security and emergency services responsibilities under the intrastate mutual aid program. The division of homeland security and emergency services shall provide notification by mail to each local government with a comprehensive description of the intrastate
mutual aid program, including a statement that all local governments are participants of the program unless they expressly opt out pursuant to subdivision four of this section; maintain a current list of participating local governments with their authorized representatives and contact information, and provide a copy of the list to each of the participating local governments on an annual basis during the second quarter of each calendar year; monitor and report to the intrastate mutual aid program committee on the use of the intrastate mutual aid program; coordinate the provision of mutual aid resources in accordance with the comprehensive emergency management plan and supporting protocols; identify mutual aid best practices; when practical, provide the committee with statistical information related to the use of mutual aid during recent regional disaster responses; and assist with the development, implementation and management of a state-wide resource typing system.

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

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

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

b. Nothing in this section shall be construed to provide any
protection against liability, or to create any liability, for an individual who responds to a state of emergency where aid has not been requested, or where aid has not been authorized by the individual's local government.

10. Obligation of insurers. Nothing in this section shall impair, alter, limit or modify the rights or obligations of any insurer under any policy of insurance.

§ 11. Section 31 of the executive law, as amended by chapter 37 of the laws of 1962, subdivision 11 as amended by chapter 827 of the laws of 1972 and subdivision 13 as added by chapter 430 of the laws of 1997, is amended to read as follows:

§ 31. Divisions. There shall be in the executive department the following divisions:

1. The division of the budget.
2. The division of military and naval affairs.
3. The office of general services.
4. The division of state police.
5. The division of parole.
6. The division of housing.
7. The division of alcoholic beverage control.
8. The division of human rights.
9. The division of veterans' affairs.
10. The office of planning services.
11. State civil defense commission.
12. The division of homeland security and emergency services.
13. Office for technology.

The governor may establish, consolidate, or abolish additional divisions and bureaus.

§ 12. (a) Findings. The functions of the office for fire prevention and control and the state office of emergency management are critical to public health and safety, as is the function of the office of homeland security. The purpose of this section is to preserve and enhance these functions by consolidating these agencies. The goal of consolidation is not to reduce the performance of either function, but rather to integrate them so as to perform them in the most effective possible way.
(b) Consolidation. The powers, duties and unfinished business of the state emergency management office in the executive department and the office for fire prevention and control in the department of state are transferred to the division of homeland security and emergency services, created in article 26 of the executive law and formerly known as the office of homeland security. All assets, liabilities and records of the state emergency management office and the office for fire prevention and control are transferred to the division of homeland security and emergency services. For the purpose of succession to functions, powers, duties and obligations transferred and assigned to, devolved upon and assumed by it pursuant to this act, the division of homeland security and emergency services shall be deemed and held to constitute the continuation of the state emergency management office, and the office for fire prevention and control.

(c) Transfer of employees. (i) All employees of the state emergency management office shall be transferred to the division of homeland security and emergency services. This transfer of employees shall be deemed to be a transfer of function pursuant to subdivision 2 of section 70 of the civil service law. Officers and employees of the state emergency management office who are in the classified service shall be transferred without further examination or qualification, and shall retain their respective civil service classification, status and bargaining unit representation. Officers and employees of the state emergency management office in the unclassified service of the state shall be transferred to the division of homeland security and emergency services in accordance with the provisions of section 45 of the civil service law as if the state had taken over a private entity. (ii) Those employees in the department of state substantially engaged in the performance of fire prevention and control shall be transferred
to the division of homeland security and emergency services. This
transfer of employees shall be deemed to be a transfer of function
pursuant to subdivision 2 of section 70 of the civil service law. The heads
of the department of state and the division of homeland security and
emergency services shall confer to determine the officers and employees
who are substantially engaged in the performance of such function.
Officers and employees identified as substantially engaged in such function
shall be transferred without further examination or qualification, and
shall retain their respective civil service classification, status and
bargaining unit representation.
(iii) Those employees of the office for technology substantially
engaged in interoperable and emergency communications shall be
transferred to the division of homeland security and emergency services.
This transfer of employees shall be deemed to be a transfer of function
pursuant to subdivision 2 of section 70 of the civil service law.
The heads of the office for technology and the division of homeland
security and emergency services shall confer to determine the officers
and employees who are substantially engaged in the performance of such
function. Officers and employees identified as substantially engaged in
such function shall be transferred without further examination or
qualification, and shall retain their respective civil service classification,
status and bargaining unit representation.
(d) Pending actions and proceedings. No action pending as of
the effective date of this act brought by or against the state office
of emergency management or the office for fire prevention and control
of their directors shall be affected by any provision of this act, but
the same may be prosecuted or defended in the name of the commissioner
of the division of homeland security and emergency services who shall,
application to the court, be substituted as a party.

(e) Continuation of rules and regulations. All rules, regulations,
acts, determinations and decisions of the state office of emergency
management or office for fire prevention and control in force at the
time of the effective date of this act shall continue in force and
effect as rules, regulations, acts, determinations and decisions of the
commissioner of the division of homeland security and emergency
services until duly modified or abrogated by the commissioner of the division of
homeland security and emergency services.

(f) Transfer of appropriations. All appropriations and reappropri-
ations heretofore made to the state office of emergency management,
to the extent of remaining unexpended or unencumbered balances thereof,
whether allocated or unallocated and whether obligated or unobligated,
shall be transferred to and made available for use and expenditure
by the division of homeland security and emergency services.

§ 13. The article heading of article 26 of the executive law, as
added by section 1 of part B of chapter 1 of the laws of 2004, is amended
to read as follows:

[STATE OFFICE OF HOMELAND SECURITY]

DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

§ 14. Section 709 of the executive law, as added by section 2 of
part B of chapter 1 of the laws of 2004, paragraphs (p) and (q) of
subdivision 2 as amended and paragraph (r) of subdivision 2 as added by
chapter 620 of the laws of 2005, paragraph (q) of subdivision 2 as
separately amended and paragraph (r) of subdivision 2 as added by chapter 537 of
the laws of 2005, is amended to read as follows:

§ 709. [State office of homeland security] Division of homeland
security and emergency services; creation; powers and duties. 1. There
is hereby created within the executive department the [office of
homeland security] division of homeland security and emergency services,
which shall have and exercise the powers and duties set forth in this
article.

Any reference to the 'office of public security', the 'office of
home-
land security', the 'state emergency management office', the 'office of cyber security' or the 'office of fire prevention and control' in the laws of New York state, executive orders, or contracts entered into on S. 6606--B. 75 A.

1 behalf of the state shall be deemed to refer to the [state office of homeland security] division of homeland security and emergency services.

2. The [office] division shall have the power and duty to:
(a) oversee and coordinate the state’s homeland security and comprehensive emergency management resources, subject to any laws, rules or regulations governing the budgeting and appropriation of funds;
(b) review homeland security and comprehensive emergency management policies, protocols and strategies of state agencies. The agencies shall include, but not be limited to, [the division of state police, division of military and naval affairs, state emergency management office, department of health, department of environmental conservation, division of criminal justice services, department of state, office for technology, and the department of transportation] the state agencies included on the disaster preparedness commission as identified in section twenty-one of this chapter;
(c) develop policies, protocols and strategies, which may be used to prevent, detect, respond to and recover from terrorist acts or threats and other natural and man-made disasters, which for purposes of this section shall have the same meaning as defined in article two-B of this chapter;
(d) identify potential inadequacies in the state’s policies, protocols and strategies to detect, respond to and recover from terrorist acts or threats and other natural and man-made disasters;
(e) undertake periodic drills and simulations designed to assess and prepare responses to terrorist acts or threats and other natural and man-made disasters;
(f) coordinate state resources for the collection and analysis of
information relating to terrorist threats and terrorist activities and other natural and man-made disasters throughout the state subject to any applicable laws, rules, or regulations;

(g) coordinate and facilitate information sharing among local, state, and federal law enforcement agencies to ensure appropriate intelligence to assist in the early identification of and response to potential terrorist activities and other natural and man-made disasters, subject to any applicable laws, rules, or regulations governing the release, disclosure or sharing of any such information;

(h) assess the preparedness of state and local public health systems to respond to terrorist acts and other natural and man-made disasters, including ensuring the availability of early warning systems designed to detect potential threats and determining adequacy and availability of necessary vaccines and pharmaceuticals and hospital capacity;

(i) coordinate strategies, protocols and first-responder equipment needs that may be used to monitor, detect, respond to and mitigate the consequences of a potential biological, chemical or radiological terrorist act or threat;

(j) work with local, state and federal agencies and private entities to conduct assessments of the vulnerability of critical infrastructure to terrorist attack and other natural and man-made disasters, including, but not limited to, nuclear facilities, power plants, telecommunications systems, mass transportation systems, public roadways, railways, bridges and tunnels, and develop strategies that may be used to protect such infrastructure from terrorist attack and other natural and man-made disasters;

(k) develop plans that may be used to promote rapid recovery from terrorist attacks and other natural and man-made disasters, to ensure prompt restoration of transportation, utilities, critical communications and information systems and to protect such infrastructure;
develop plans that may be used to contain and remove hazardous materials used in a terrorist attack or released as a result of natural or man-made disaster;

(m) act as primary contact with the federal department of homeland security;

(n) adopt, promulgate, amend and rescind rules and regulations to effectuate the provisions and purposes of this article and the powers and duties of the [office] division in connection therewith;

(o) consult with appropriate state and local governments, institutions of higher learning, first responders, health care providers and private entities as necessary to effectuate the provisions of this article, and work with those entities to establish, facilitate and foster cooperation to better prepare the state to prevent and respond to threats and acts of terrorism and other natural and man-made disasters;

(p) to serve as a clearinghouse for the benefit of municipalities regarding information relating to available federal, state and regional grant programs in connection with homeland security, disaster preparedness, communication infrastructure and emergency first responder services, and to promulgate rules and regulations necessary to ensure that grant information is timely posted on the [office's] division's website;

(q) request from any department, division, office, commission or other agency of the state or any political subdivision thereof, and the same are authorized to provide, such assistance, services and data as may be required by the [office of homeland security] division of homeland security and emergency services in carrying out the purposes of this article, subject to applicable laws, rules, and regulations; and

(r) develop standards and a certification process for training programs for training of private security officers in commercial buildings which shall:

(i) improve observation, detection and reporting skills;

(ii) improve coordination with local police, fire and emergency services;
(iii) provide and improve skills in working with advanced security technology including surveillance and access control procedures; 
(iv) require at least forty hours of training including three hours of training devoted to terrorism awareness; and 
(v) have been certified as a qualified program by the [state office of homeland security—division of homeland security and emergency services; 
{[ ]} (s) work in consultation with or make recommendations to the commissioner of agriculture and markets in developing rules and regulations relating to ammonium nitrate security[{}]; and 
(t) develop, maintain, and deploy state, regional and local all-hazard incident management teams.
3. The division of homeland security and emergency services shall consist of several offices including, but not limited to, the office of counterterrorism, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in section seven hundred nine-a of this article; the office of emergency management, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in article six-C of this chapter; the office of cyber security, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in section seven hundred fifteen of this article; and the office of interoperable and emergency communications, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in section seven hundred sixteen of this article.
4. As set forth in section seven hundred ten of this article,
commissioner of the division of homeland security and emergency services shall be appointed by the governor, with the advice and consent of the senate, and hold office at the pleasure of the governor. The directors of the offices of counterterrorism, emergency management, fire prevention and control, cyber security, and interoperable and emergency communications, and such other offices as may be established, shall be appointed by, and hold office at the pleasure of, the governor and they shall report to the commissioner of the division of homeland security and emergency services.

5. The directors of the offices of counterterrorism, emergency management, fire prevention and control, cyber security, interoperable and emergency communications, and such other offices as may be established, shall, in consultation with the commissioner, have the authority to promulgate rules and regulations to carry out the duties of their office, including the establishment of fees necessary to compensate costs associated with the delivery of training and services.

6. The directors of the offices of counterterrorism, emergency management, fire prevention and control, cyber security, interoperable and emergency communications, and such other offices as may be established, shall have the authority to enter into contracts with any person, firm, corporation, municipality, or government entity.

7. Annual report of the division. The commissioner of the division of homeland security and emergency services shall, on or before January first in each year, submit to the governor, the temporary president of the senate, and the speaker of the assembly, a report concerning the performance of the division with respect to outreach to businesses, not-for-profit organizations, and the general public, which shall include information regarding the content and scope of seminars, conferences, surveys, programs, and other programmatic means of engaging such parties to identify and meet the needs of such parties with respect to
emergency mitigation, preparedness, response, and recovery, and

§ 15. Section 710 of the executive law, as added by section 2 of part
B of chapter 1 of the laws of 2004, is amended to read as follows:
§ 710. [Director of office of homeland security] Commissioner

of the division of homeland security and emergency services; appointment
of the director commissioner; powers and duties. 1. The [director of
the office of homeland security (director)] commissioner of the division
be appointed by the governor, by and with the advice and consent of
the senate, and hold office at the pleasure of the governor. [The salary
the director shall be fixed at a level commensurate with that of
the state officers identified in paragraph (a) of subdivision one of
section one hundred sixty-nine of this chapter.]
2. The [director commissioner], acting by and through the
division, shall have the power and duty to:
(a) administer the duties of the [office division] pursuant to this
section;
(b) administer such other duties as may be devolved upon the
[office division] from time to time pursuant to law;
(c) cooperate with and assist other state and federal
departments,
boards, commissions, agencies and public authorities in the
development
and administration of policies and protocols which will enhance
the safety and security of the citizens of the state;
(d) enter into contracts with any person, firm, corporation or
governmental agency, and do all things necessary to carry out the
functions,
powers and duties expressly set forth in this article, subject to
any
applicable laws, rules or regulations;
(e) establish offices, departments and bureaus and make changes
therein
in as he or she may deem necessary to carry out the functions of
the
[office division]. One of the divisions within the office shall be
the
office of cyber security and critical infrastructure coordination
which shall be dedicated to the identification and mitigation of the
state's cyber security infrastructure vulnerabilities; [and]
(f) subject to the provisions of this article and the civil
service law, and the rules and regulations adopted pursuant thereto, the
director commissioner may appoint other officers, employees, agents
and consultants as may be necessary, prescribe their duties, fix
their compensation, and provide for payment of their reasonable expenses,
all within amounts available therefor by appropriation. The
director commissioner may transfer officers or employees from their positions
to other positions in the [office] division, or abolish or consolidate such
positions[—]; and
(g) accept and contract as agent of the state for any gift to
support the development and training missions of the division of homeland
security and emergency services.
§ 15-a. The executive law is amended by adding a new section 709-a
to read as follows:
§ 709-a. Office of counterterrorism. The office of
shall develop and analyze the state's policies, protocols and
strategies relating to the prevention and detection of terrorist acts and
terrorist threats. The office shall also be responsible for the collection,
analysis and sharing of information relating to terrorist threats and
terrorist activities throughout the state; coordinating strategies,
protocols and first responder equipment needs to detect a biological, chemical
or radiological terrorist act or threat; working with private entities
and local, state and federal agencies to conduct assessments of the
vulnerability of critical infrastructure to terrorist attack; and
consulting with appropriate state and local governments and private entities
to facilitate and foster cooperation to better prepare the state to
prevent and detect threats and acts of terrorism.
§ 16. Section 713 of the executive law, as added by chapter 403 of
laws of 2003, paragraphs (a) and (b) of subdivision 2 as amended by chapter 426 of the laws of 2004, and such section as renumbered by section 2 of part B of chapter 1 of the laws of 2004, is amended to read as follows:

§ 713. Protection of critical infrastructure including energy generating and transmission facilities. 1. Notwithstanding any other provision of law, the commissioner of the division of homeland security and emergency services shall conduct a review and analysis of measures being taken by the public service commission and any other agency or authority of the state or any political subdivision thereof and, to the extent practicable, of any federal entity, to protect the security of critical infrastructure related to energy generation and transmission located within the state. The commissioner of the division of homeland security and emergency services shall have the authority to review any audits or reports related to the security of such critical infrastructure, including audits or reports conducted at the request of the public service commission or any other agency or authority of the state or any political subdivision thereof or, to the extent practicable, of any federal entity. The owners and operators of such energy generating or transmission facilities shall, in compliance with any federal and state requirements regarding the dissemination of such information, provide access to the commissioner of the division of homeland security and emergency services to such audits or reports regarding such critical infrastructure provided, however, that exclusive custody and control of such audits and reports shall remain solely with the owners and operators of such energy generating or transmission facilities.
the purposes of this article, the term "critical infrastructure" has
meaning ascribed to that term in subdivision five of section eighty-
six of the public officers law.

2. (a) On or before December thirty-first, two thousand four, and
not later than three years after such date, and every five years
thereafter, the commissioner of the division of home-
land security and emergency services shall report to the governor,
the temporary president of the senate, the speaker of the assembly,
the chairperson of the public service commission and the chief executive
of any such affected generating or transmission company or his or
her designee. Such report shall review the security measures being
taken regarding critical infrastructure related to energy generating and
transmission facilities, assess the effectiveness thereof, and
include recommendations to the legislature or the public service commission
if the commissioner of the division of home-
land security and emergency services determines that additional
measures are required to be implemented, considering, among other factors,
the unique characteristics of each energy generating or transmission
facility. (On or before April thirtieth, two thousand four, the director
of public security shall make a preliminary report to the governor,
the temporary president of the senate, the speaker of the assembly,
the chairman of the public service commission, and the chief executive
of any such affected generating or transmission company or his or
her designee.)

(b) Before the receipt of such report identified in paragraph (a)
of this subdivision, each recipient of such report shall develop
confiden-
tiality protocols, which shall be binding upon the recipient who
issues the protocols and anyone to whom the recipient shows a copy of
the report, in consultation with the commissioner of public security]
sioner of the division of homeland security and emergency services for the maintenance and use of such report so as to ensure the confidentiality of the report and all information contained therein, provided, however, that such protocols shall not be binding upon a person who is provided access to such report or any information contained therein pursuant to section eighty-nine of the public officers law after a final determination that access to such report or any information contained therein could not be denied pursuant to subdivision two of section eighty-seven of the public officers law. The commissioner of the division of homeland security and emergency shall also develop protocols for his or her office related to the maintenance and use of such report so as to ensure the confidentiality of the report and all information contained therein. On each report, the commissioner of the division of homeland security and emergency shall prominently display the following statement: “this report may contain information that if disclosed could endanger the life or safety of the public, and therefore, pursuant to section seven hundred ten eleven of the executive law, this report is to be maintained and used in a manner consistent with protocols established to preserve the confidentiality of the information contained herein in a manner consistent with law”.

(c) Except in the case of federally licensed electric generating facilities, the public service commission shall have the discretion to require that the recommendations of the commissioner of the division of homeland security and emergency services be implemented by any owner or operator of an energy generating or transmission facility. Recommendations regarding federally licensed electric
generating facilities shall instead only be made available by the 
commissioner of the division of homeland security and emergency services to the appropriate federal agency 
in compliance with any federal and state requirements regarding the dissemination of such information.

3. Any reports prepared pursuant to this article shall not be subject to disclosure pursuant to section eighty-eight of the public officers law.

§ 17. Section 714 of the executive law, as added by section 1 of part C of chapter 1 of the laws of 2004, is amended to read as follows:

§ 714. Protection of critical infrastructure; storage facilities for hazardous substances. 1. Notwithstanding any other provision of law and subject to the availability of an appropriation, the commissioner of the office of homeland security shall conduct a review and analysis of measures being taken by the owners and operators of facilities identified pursuant to paragraph (b) of subdivision two of this section to protect the security of critical infrastructure related to such facilities. The commissioner of the division of homeland security and emergency services shall have the authority to review all audits or reports related to the security of such critical infrastructure, including all such audits or reports mandated by state and federal law or regulation, including spill prevention reports and risk management plans, audits and reports conducted at the request of the department of environmental conservation or at the request of any federal entity, or any other agency or authority of the state or any political subdivision thereof, and reports prepared by owners and operators of such facilities as required in this subdivision. The owners and operators of such facilities shall, in compliance with any federal and state requirements regarding the
Information of such information, provide access to the [director of the office of homeland security] commissioner of the division of homeland security and emergency services to such audits and reports regarding such critical infrastructure provided, however, exclusive custody and control of such audits and reports shall remain solely with the owners and operators of such facilities to the extent not inconsistent with any other law. For the purposes of this section, the term "critical infrastructure" has the meaning ascribed to that term in subdivision five of section eighty-six of the public officers law.

2. To effectuate his or her duties pursuant to this section and identify risks to the public, the [director of the office of homeland security] commissioner of the division of homeland security and emergency services shall:

(a) within six months of the effective date of this section, in consultation with the commissioner of environmental conservation, the commissioner of health, and such representatives of the chemical industry and higher education as may be appropriate, prepare a list that identifies toxic or hazardous substances, including but not limited to those substances listed as hazardous to public health, safety or the environment in regulations promulgated pursuant to article thirty-seven of the environmental conservation law, as well as those substances for which the state possesses insufficient or limited toxicological information but for which there exists preliminary evidence that the substance or the class of chemicals with similar physical and chemical properties to which it belongs has the potential to cause death, injury, or serious adverse effects to human health or the environment, based on the severity of the threat posed to the public by the unauthorized release of such substances. Such list will be promulgated in accord with the provisions
of the state administrative procedure act;
(b) upon completion of the list required pursuant to paragraph (a) of this subdivision, but no later than one hundred twenty days after such date, in consultation with the commissioner of environmental conservation, the commissioner of health and such representatives of the chemical industry and any state, local and municipal officials as may be appropriate, identify facilities, including facilities regulated pursuant to title nine and title eleven of article twenty-seven and article forty of the environmental conservation law, but excluding facilities that hold liquified petroleum gas for fuel at retail sale as described in section 112(1)(4)(B) of the Clean Air Act (42 U.S.C. section 7412(r)(4)(b)) and those facilities that are defined as "water suppliers" in subdivision one of section eleven hundred twenty-five of the public health law, which because of their storage of or relationship to such substances identified pursuant to paragraph (a) of this subdivision pose risks to the public should an unauthorized release of such hazardous substances occur; and (c) require such facilities identified pursuant to paragraph (b) of this subdivision, as the [director commissioner so determines, to prepare a vulnerability assessment of the security measures taken by such facilities to prevent and respond to the unauthorized release of hazardous substances as may be stored therein, which assessments the [director of the office of homeland security] commissioner of the division of homeland security and emergency services shall review and consider in light of the seriousness of the risk posed and vulnerability of such facility and, where appropriate, make recommendations with respect thereto.
3. (a) On or before June first, two thousand five, the [director of homeland security] commissioner of the division of homeland security and emergency services shall make a preliminary report to the governor,
temporary president of the senate, the speaker of the assembly, the commissioner of environmental conservation, the commissioner of health and the chief executive officer of any such affected facility or his or her designee, and on or before December thirty-first, two thousand five, and not later than three years after such date, and every five years thereafter, the [director of the office of homeland security] commissioner of the division of homeland security and emergency services shall report to the governor, the temporary president of the senate, the speaker of the assembly, the commissioner of environmental conservation, the commissioner of health and the chief executive officer of any such affected facility or his or her designee. Such report shall review the security measures being taken regarding critical infrastructure related to such facilities, assess the effectiveness thereof, and include recommendations to the legislature, the department of environmental conservation or the department of health if the [director of the office of homeland security] commissioner of the division of homeland security and emergency services determines that additional measures are required to be implemented. 

(b) Before the receipt of such report identified in paragraph (a) of this subdivision, each recipient of such report shall develop confidentiality protocols which shall be binding upon the recipient who issues the protocols and anyone to whom the recipient shows a copy of the report in consultation with the [director of the office of homeland security] commissioner of the division of homeland security and emergency services, for the maintenance and use of such report so as to ensure the confidentiality of the report and all information contained therein, provided, however, that such protocols shall not be binding upon a
21 person who is provided access to such report or any information
22 contained therein pursuant to section eighty-nine of the public officers
23 law after a final determination that access to such report or any information contained therein could not be denied pursuant to subdivision two of section eighty-seven of the public officers law. The [director of the office of homeland security] commissioner of the division of homeland security shall also develop protocols for such [office] division related to the maintenance and use of such report so as to ensure the confidentiality of all sensitive information contained in such report. On each report, the [director of the office of homeland security] commissioner of the division of homeland security and emergency services shall prominently display the following statement: "This report may contain information that if disclosed could endanger the life or safety of the public, and therefore, pursuant to section seven hundred eleven of the executive law[, as added by a chapter of the laws of two thousand four], this report is to be maintained and used in a manner consistent with protocols established to preserve the confidentiality of the information contained herein in a manner consistent with law."

(c) The department of environmental conservation shall have the discretion to require that recommendations of the [director of the office of homeland security] commissioner of the division of homeland security and emergency services be implemented by any owner or operator of a hazardous substances storage facility as defined in this section.

§ 18. Section 715 of the executive law, as added by chapter 604 of the laws of 2007, is amended to read as follows:

§ 715. [Records and data] Office of cyber security. 1. The office of cyber security shall be dedicated to the protection of the state's cyber security infrastructure, including, but not limited to, the identifica-
tion and mitigation of vulnerabilities, deterring and responding
to cyber events, and promoting cyber security awareness within the
state. The office shall also be responsible for statewide policies,
standards, programs, and services relating to cyber security and geographic
information systems, including the statewide coordination of
globally referenced critical infrastructure information. The director of
the office shall be the chief cyber security officer of New York state.

2. The director may request and receive from any department,
board, bureau, commission or other agency of the state or any
political subdivision thereof or any public authority such assistance,
information and data as will enable the office properly to carry out its
functions.

3. The director of the office is authorized to maintain, in electronic or
paper formats, maps, geographic images, geographic data and metadata.

4. The director of the office is authorized to promulgate any rules
and regulations necessary to implement the provisions of this section.

5. Notwithstanding the provisions of subparagraphs (i) and (ii)
of paragraph (a) of subdivision eight of section seventy-three of
public officers law, former officers or employees of the office of
cyber security employed by the not-for-profit corporation that operates
the multi-state information sharing and analysis center may appear
before and render services to any federal, state, local, territorial or
tribal government relating to cyber security.

6. Notwithstanding the provisions of section one hundred sixty-
three of the state finance law, section one hundred three of the
general municipal law, article four-C of the economic development law, or
any other provision of law relating to the award of public contracts,
officer, body, or agency of New York state, public corporation, or other public entity subject to such provisions of law shall be authorized to enter individually or collectively into contracts with the not-for-profit corporation that operates the multi-state information sharing and analysis center for the provision of services through September thirty-first, two thousand thirteen related to cyber security including, but not limited to, monitoring, detecting, and responding to cyber incidents, and such contracts may be awarded without compliance with the procedures relating to the procurement of services set forth in such provisions of law. Such contracts shall, however, be subject to the comptroller's existing authority to approve contracts where such approval is required by section one hundred twelve of the state finance law or otherwise. Such officers, bodies, or agencies may pay the fees or other amounts specified in such contracts in consideration of the cyber security services to be rendered pursuant to such contracts.

§ 19. Section 715 of the executive law, as added by chapter 630 of the laws of 2007, is amended to read as follows:

§ 715. Protection of critical infrastructure; commercial aviation, petroleum and natural gas fuel transmission facilities and pipelines. 1. Notwithstanding any other provision of law, the [director of the office of homeland security] commissioner of the division of homeland security and emergency services shall conduct a review and analysis of measures being taken by any other agency or authority of the state or any political subdivision thereof and, to the extent practicable, of any federal entity, to protect the security of critical infrastructure related to commercial aviation fuel, petroleum and natural gas transmission facilities and pipelines in this state which are not located upon the premises of a commercial airport. As deemed appropriate by such [director] commissioner, the [office of homeland security] division...
sion of homeland security and emergency services shall have the authority to physically inspect the premises and review any audits or reports related to the security of such critical infrastructure, including audits or reports conducted at the request of any other agency or authority of the state or any political subdivision thereof or, to the extent practicable, of any federal entity. The operators of such commercial aviation fuel, petroleum or natural gas transmission facilities and pipelines shall, in compliance with any federal and state requirements regarding the dissemination of such information, provide access to the [director of the office of homeland security] commissioner of the division of homeland security and emergency services to such audits or reports regarding such critical infrastructure provided, however, that exclusive custody and control of such audits and reports shall remain solely with the operators of such commercial aviation fuel, petroleum or natural gas transmission facilities and pipelines. For the purposes of this article, the term "critical infrastructure" has the meaning ascribed to that term in subdivision five of section eighty-six of the public officers law.

2. (a) On or before December thirty-first, two thousand [eight, and not later than three years after such date] eleven, and every five years thereafter, the [director of the office of homeland security] commissioner of the division of homeland security and emergency services shall report to the governor, the temporary president of the senate, the speaker of the assembly, the public service commission, and the operator of any such affected commercial aviation fuel, petroleum or natural gas transmission facility or pipeline. Such report shall review the security measures being taken regarding critical infrastructure related to...
commercial aviation fuel, petroleum or natural gas transmission facilities and pipelines, assess the effectiveness thereof, and include recommendations to the legislature, the public service commission, or the operator of a commercial aviation fuel, petroleum or natural gas transmission facility or pipeline, or any appropriate state or federal regulating entity or agency if the [director of the office of homeland security] commissioner of the division of homeland security and emergency services determines that additional measures are required to be implemented, considering among other factors, the unique characteristics of each commercial aviation fuel, petroleum or natural gas transmission facility or pipeline. [On or before April thirtieth, two thousand eight, the director of the office of homeland security shall make a preliminary report to the governor, the temporary president of the senate, the speaker of the assembly, the public service commission, and the operator of any such affected commercial aviation fuel, petroleum or natural gas transmission facility or pipeline.] (b) Before the receipt of such report identified in paragraph (a) of this subdivision, each recipient of such report shall develop confidentiality protocols, which shall be binding upon the recipient who issues the protocols and anyone to whom the recipient shows a copy of the report, in consultation with the [director of the office of homeland security] commissioner of the division of homeland security and emergency services for the maintenance and use of such report so as to ensure the confidentiality of the report and all information contained therein, provided, however, that such report and any information contained or used in its preparation shall be exempt and not made available pursuant to article six of the public officers law. The [director of the office of homeland security] commissioner of the division of homeland security and emergency services shall also develop protocols for his or her
office related to the maintenance and use of such report so as to ensure the confidentiality of the report and all information contained therein.

On each report, the [director of the office of homeland security] commissioner of the division of homeland security and emergency services shall prominently display the following statement: "this report may contain information that if disclosed could endanger the life or safety of the public, and therefore, pursuant to section seven hundred eleven of the executive law, this report is to be maintained and used in a manner consistent with protocols established to preserve the confidentiality of the information contained herein in a manner consistent with law".

(c) The public service commission shall have the discretion to require, through regulation or otherwise, that the recommendations of the [director of the office of homeland security] commissioner of the division of homeland security and emergency services be implemented at an affected commercial aviation fuel, petroleum or natural gas transmission facility or pipeline.

(d) The [office of homeland security] division of homeland security and emergency services shall receive necessary appropriations for the performance of its duties pursuant to this section.

§ 20. Paragraph (a) of subdivision 1 of section 169 of the executive law, as amended by section 1 of part F of chapter 56 of the laws of 2005, is amended to read as follows:

(a) commissioner of correctional services, commissioner of education, commissioner of health, commissioner of mental health, commissioner of mental retardation and developmental disabilities, commissioner of children and family services, commissioner of temporary and disability assistance, chancellor of the state university of New York, commissioner of transportation, commissioner of environmental conservation, super-
25 intendent of state police, [and] commissioner of general services and commissioner of the division of homeland security and emergency services; § 21. The executive law is amended by adding a new section 717 to read as follows:

§ 717. Office of interoperable and emergency communications. 1. The office of interoperable and emergency communications shall be the principal state agency for all interoperable and emergency communications and oversee and direct the development, coordination and implementation of policies, plans, standards, programs and services related to interoperable and emergency communications, including those related to public safety land mobile radio communications. The office shall coordinate with federal, state, local, tribal, non-governmental and other appropriate entities.

2. The office shall be responsible for coordinating relevant grant programs and other funding sources to enhance interoperable and emergency communications, as consistent with the mission of the division. The director shall make final determinations regarding the distribution of grants, in consultation with the board.

3. The director of this office shall serve as the statewide interoperable and emergency communications coordinator.

4. To ensure appropriate coordination and consultation with relevant entities, the director shall be the chairperson of the statewide interoperable and emergency communication board as defined in section three hundred twenty-seven of the county law, and whose duties shall include, but not be limited to all the duties regularly assigned to the board as defined by section three hundred twenty-eight of the county law.

5. The commissioner, in consultation with the director of the office, shall promulgate rules and regulations which require municipalities to report, no less than annually, on prior and planned expenditures to develop and operate interoperable and emergency communications.
regulations shall permit municipalities which participate in county or S. 6606--B A.
9706--C multi-county regional coordinated interoperability efforts to submit a single report to the division for all participating municipalities, so long as all expenses which would have been reported if the participating municipalities had submitted individual reports are contained in the combined report. The regulations shall not require a municipality that incurred no relevant expenses and anticipates no relevant expenses to submit such a report. The division shall include a summary of such information in its annual report to the governor, temporary president of the senate, and speaker of the assembly provided for in subdivision seven of section seven hundred nine of this article, as well as submitting such information at the same time to the state comptroller. § 22. Subdivision 2 of section 709 of the executive law is amended by adding a new paragraph (u) to read as follows:
(u) Notwithstanding article six-C of this chapter, or any other provision of law to the contrary, the division of homeland security and emergency services shall establish best practices regarding training and education for firefighters and first responders which shall include but not be limited to: minimum basic training for firefighters and first responders; in-service training and continuing education; and specialized training as it may apply to the specific duties of a category of emergency personnel.

§ 23. Section 155 of the executive law, as added by chapter 225 of the laws of 1979, is amended to read as follows:
§ 155. Office of fire prevention and control; creation; state fire administrator; employees. There is hereby created in the department of state] division of homeland security and emergency services an office of fire prevention and control. The head of such office shall be the fire administrator, who shall be appointed by the [secretary of state]
governor and shall hold office during the pleasure of the [secretary of state] governor. He shall receive an annual salary to be fixed by the [secretary of state] commissioner of the division of homeland security and emergency services within the amount available by appropriation. He shall also be entitled to receive reimbursement for expenses actually and necessarily incurred by him in the performance of his duties within the amount available by appropriation. [The state fire administrator may, from time to time, with the approval of the secretary of state, create, abolish, transfer and consolidate divisions, bureaus, and other units within the office of fire prevention and control as he may determine necessary for the efficient operation of such office. The state fire administrator may, with the approval of the secretary of state, appoint such deputies, directors and others within the office as he may deem necessary to the proper implementation of this article, prescribe their duties, fix their compensation and provide for reimbursement of their actual and necessary expenses within the amounts available by appropriation.]

§ 24. Intentionally omitted.
§ 25. Intentionally omitted.
§ 26. Section 156-g of the executive law, as added by chapter 303 of the laws of 2007, is amended to read as follows:
§ 156-g. Establishment of teams for urban search and rescue, specialty rescue and incident support. 1. Authorization to establish urban search and rescue task force teams, specialty rescue teams, and incident support teams. The [state fire administrator] commissioner of the division of homeland security and emergency services after consultation with the state fire administrator shall have the authority to establish, organize, administer, support, train, and fund urban search and rescue task force teams, specialty rescue teams, and incident support teams.
2 created pursuant to this section.
3 2. Definitions. For the purposes of this section, the following
terms shall have the following meanings:
4 (a) "urban search and rescue task force team" shall mean a
specialized
team or group of teams, formed pursuant to this section, organized
with
capabilities equivalent to urban search and rescue task force
teams established under the federal emergency management agency in order to
assist in the removal of trapped victims in emergency situations includ-
ing, but not limited to, collapsed structures, trench excavations,
elevated locations, and other technical rescue situations.
(b) "specialty rescue team" shall mean a specialized team, formed
pursuant to this section, organized to provide technical rescue assist-
ance to first responders including, but not limited to, canine search
and rescue/disaster response, cave search and rescue, collapse search
and rescue, mine and tunnel search and rescue, and swift water/flood
search and rescue teams. Such teams shall be aligned with one or more of
the search and rescue categories within the federal emergency management
agency's national resource typing system.
(c) "incident support team" shall mean a team of trained response
personnel, formed pursuant to this section, organized to provide coordi-
nation with governmental agencies and non-governmental organizations
as well as technical, and logistical support to urban search and rescue
task force teams and specialty rescue teams.
3. Appointment and training of team members; equipment. (a) The
[fire administrator] commissioner of the division of homeland security
and emergency services is hereby authorized to appoint members to
any team created pursuant to this section. Team membership shall consist of
local emergency response personnel, state agency personnel and specialty
personnel as required.
(b) The [fire administrator] commissioner of the division of homeland security and emergency services shall be responsible for
ing and equipping the teams established pursuant to this section and for training such other teams located within the state for response to man-made or natural disasters to the extent appropriations are provided.

The commissioner of the division of homeland security and emergency services shall support the capabilities of each team established pursuant to this section with the necessary training and equipment to ensure mobilization and deployment for rapid response to emergencies and disasters to the extent appropriations are provided.

4. Accreditation of teams. The commissioner of the division of homeland security and emergency services shall have the authority to establish an accreditation program to review and evaluate new and existing local and regional technical rescue capabilities, and provide recommendations for capability enhancement in accordance with the national incident management system, the national response plan, and nationally recognized standards.

5. Defense, indemnification and insurance coverage of team members. Members of the teams formed pursuant to this section who are volunteer firefighters, volunteer ambulance workers, municipal or state employees, or employees of a non-governmental entity shall be provided coverage by their respective municipalities, organizations, and entities for purposes of sections seventeen and eighteen of the public officers law and/or other defense and indemnification coverage and workers' compensation coverage pursuant to applicable provisions of the volunteer firefighters' benefit law or the volunteer ambulance workers' benefit law. Individuals appointed to an urban search and rescue task force team, a specialty rescue team or an incident support team...
team, for which such coverage is not available, shall be deemed volunteer state employees for purposes of section seventeen of the public officers law and section three of the workers' compensation law. 6. Rules and regulations. The [state fire administrator] commissioner of the division of homeland security and emergency services after consultation with the state fire administrator shall have the authority to promulgate rules and regulations as deemed necessary relating to the accreditation of urban search and rescue task force teams, specialty rescue teams, and incident support teams and to the formation and operation of all teams established pursuant to this section.

7. Funding. The [secretary of state and the state fire administrator] division of homeland security and emergency services shall expend the necessary monies for training, equipment, and other items necessary to support the operations of urban search and rescue task force teams, specialty rescue teams and incident support teams within appropriations provided. The [secretary of state and the state fire administrator] division of homeland security and emergency services also may, pursuant to applicable rules and regulations approved by the director of the division of the budget, approve grants of funds from monies allocated and appropriated for any or all such teams.

§ 27. Section 157 of the executive law, as added by chapter 225 of the laws of 1979, is amended to read as follows:

§ 157. Granting authority. The [office of fire prevention and control, by and through the state fire administrator] division of homeland security and emergency services by and through the commissioner of the division of homeland security and emergency services or his duly authorized officers and employees, shall administer, carry out and approve grants of funds from moneys allocated and appropriated therefor, for authorized arson, fire prevention and control expenditures as defined herein, that are conducted by municipal corporations. "Authorized arson, fire
prevention and control expenditures" shall mean those expenditures utilized by a municipal corporation for fire or arson prevention, fire or arson investigation and arson prosecution. No expenditure which has not been specifically designated by the local legislative body for arson, fire prevention and control and approved by the office of fire prevention and control pursuant to rules and regulations promulgated thereby shall be considered an "authorized arson, fire prevention and control expenditure." The [office of fire prevention and control] division of homeland security and emergency services shall adopt, amend and rescind such rules, regulations and guidelines as may be necessary for the performance of its functions, powers and duties under this section. The [office of fire prevention and control] division of homeland security and emergency services shall allocate grants under this article among the municipalities whose applications have been approved in such a manner as will most nearly provide an equitable distribution of the grants among municipalities, taking into consideration such factors as the level of suspected arson activity, population and population density, the need for state funding to carry out local programs, and the potential of the municipalities to effectively employ such grants. 

§ 28. Section 158 of the executive law is REPEALED and a new section 158 is added to read as follows:

§ 158. Firefighting training. 1. For the purpose of this section, the term fire fighter shall mean a member of a fire department whose duties include fire service as defined in paragraph d of subdivision eleven of section three hundred two of the retirement and social security law.

2. In addition to the functions, powers and duties otherwise provided by this article, the state fire administrator may promulgate rules and regulations with respect to:

(a) The approval, or revocation thereof, of fire training programs
fire fighters;
(b) Minimum courses of study, attendance requirements, and equipment for fire fighters;
(c) Minimum qualifications for instructors for approved fire training programs for fire fighters;
(d) The requirements of minimum basic training which fire fighters appointed to probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following such appointment to a probationary term;
(e) The requirements of minimum basic training which fire fighters not appointed for probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment, and the time within which such basic training must be completed following such appointment on a non-permanent basis;
(f) The requirements for in-service training programs designed to assist fire fighters in maintaining skills and being informed of technological advances;
(g) Categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to such categories or classifications;
(h) Exemptions from particular provisions of this article in the case of any county, city, town, village or fire district, if in the opinion of the state fire administrator the standards of fire training established and maintained by such county, city, town, village or fire district are equal to or higher than those established pursuant to this article; or revocation in whole or in part of such exemption, if in his or her opinion the standards of fire training established and maintained by such county, city, town, village or fire district are lower than those established pursuant to this article; and
(i) Education, health and physical fitness requirements for eligibility of persons for provisional or permanent appointment in the competition
itive class of the civil service as fire fighters as it deems necessary and proper for the efficient performance of such duties;

3. In furtherance of his or her functions, powers and duties as set forth in this section, the state fire administrator may:
   (a) Recommend studies, surveys and reports to be made by the state fire administrator regarding the carrying out of the objectives and purposes of this section;
   (b) Visit and inspect any fire training programs approved by the state fire administrator or for which application for such approval has been made; and
   (c) Recommend standards for promotion to supervisory positions.

4. In addition to the functions, powers and duties otherwise provided by this section, the state fire administrator shall:
   (a) Approve fire training programs for fire fighters and issue certificates of approval to such programs, and revoke such approval or certificate;
   (b) Certify, as qualified, instructors for approved fire training programs for fire fighters and issue appropriate certificates to such instructors;
   (c) Certify fire fighters who have satisfactorily completed training programs and in-service training programs, and issue appropriate certificates to such fire fighters and revoke such certificates;
   (d) Cause studies and surveys to be made relating to the establishment, operation, effectiveness and approval of fire training programs;
   (e) Cause studies and surveys to be made relating to the completion or partial completion of training programs by video or computer to the maximum extent practicable; and
   (f) Consult with and cooperate with the state university of New York and private universities, colleges and institutes in the state for development of specialized courses of study for fire fighters in fire science and fire administration.

§ 29. The executive law is amended by adding a new section 376-a to read as follows:
§ 376-a. Code enforcement training. 1. For the purpose of this section, the term code enforcement personnel shall mean a code enforcement official charged with enforcement of the uniform fire prevention and building code or the state energy conservation construction code.

2. In addition to the functions, powers and duties otherwise provided by this article, the secretary of state may promulgate rules and regulations with respect to:

(a) The approval, or revocation thereof, of code enforcement training programs for code enforcement personnel;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required for approved code enforcement training programs for code enforcement personnel;

(c) Minimum qualifications for instructors for approved code enforcement training programs for code enforcement personnel;

(d) The requirements of minimum basic training which code enforcement personnel shall complete in order to be eligible for continued employment or permanent appointment, and the time within which such basic training must be completed following such appointment;

(e) The requirements for in-service training programs designed to assist code enforcement personnel in maintaining skills and being informed of technological advances;

(f) Categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to such categories or classifications;

(g) Exemptions from particular provisions of this article in the case of any county, city, town, or village if in the opinion of the secretary of state the standards of code enforcement training established and maintained by such county, city, town, or village are equal to or higher than those established pursuant to this article; or revocation in whole or in part of such exemption, if in his or her opinion the standards of code enforcement training established and maintained by such county, city, town, or village are lower than those established pursuant to this article;
3. In furtherance of his or her functions, powers and duties as set forth in this section, the secretary of state may:

(a) Recommend studies, surveys and reports to be made by the department of state regarding the carrying out of the objectives and purposes of this section;

(b) Visit and inspect any code enforcement training programs approved by the secretary of state or for which application for such approval has been made; and

(c) Recommend standards for promotion to supervisory positions.

4. In addition to the functions, powers and duties otherwise provided by this section, the secretary of state shall:

(a) Approve code enforcement training programs for code enforcement personnel and issue certificates of approval to such programs, and revoke such approval or certificate;

(b) Certify, as qualified, instructors for approved code enforcement training programs for code enforcement personnel and issue appropriate certificates to such instructors;

(c) Certify code enforcement personnel who have satisfactorily completed basic training programs and in-service training programs, and issue appropriate certificates to such code enforcement personnel, and revoke such certificate;

(d) Cause studies and surveys to be made relating to the establishment, operation, effectiveness and approval of code enforcement training programs;

(e) Cause studies and surveys to be made relating to the completion or maximum extent practicable;

(f) Consult with and cooperate with the state university of New York and private universities, colleges and institutes in the state for the development of specialized courses of study for code enforcement personnel.

§ 29-a. Sections 159, 159-a, 159-b, 159-c, and 159-d of the executive law are REPEALED.
§ 29-b. The executive law is amended by adding a new section 159 to read as follows:

§ 159. Advisory council for fire prevention and control. 1. There is hereby created within the division of homeland security and emergency services an advisory council for fire prevention and control for the purpose of advising the commissioner and the state fire administrator with regard to: (a) execution of the functions, powers and duties of the office with respect to fire and arson prevention and control services, and standards for training of firefighters of fire departments, fire companies, municipal corporations, districts, and private industry of the state; (c) recommendations on federal and state legislation and programs relating to fire and arson prevention services, policies and programs; and (d) recommendations upon such other matters as the commissioner and the state fire administrator may request.

2. The council shall be composed of the state fire administrator, as chair, or his or her designee, and twelve other members appointed by the temporary president of the senate; one member appointed by the minority leader of the senate; two members appointed by the speaker of the assembly; one member appointed by the minority leader of the assembly; six members appointed by the governor; two members appointed by the speaker of the assembly; and one member appointed by the code enforcement personnel standard and education commission may be appointed to this advisory council.

3. Membership of such council shall consist of representatives from the volunteer and career fire service, at least half of which shall serve at the municipal level.

4. Members of the council, other than the state fire administrator, shall serve for terms of three years, with such terms to commence on
April first and expire on March thirty-first.

5. No member of the council shall be disqualified from holding any such office or employment, nor shall he or she forfeit any not with standing the provisions of any general, special or local law, ordinance or city charter.

6. The council shall meet at least twice a year. Special meetings may be called by the chairperson. The agenda and meeting place of all regular or special meetings shall be made available to the public in advance of such meeting.

7. Members of the council shall serve without salary or per diem allowance, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties under this section, provided, however, that such members are not, at the time such expenses are incurred, public employees otherwise entitled to reimbursement.

8. The chairperson may create subcommittees as he or she may from time to time deem appropriate to provide the council with advice and recommendations. Members of such subcommittees shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties under this section, provided, however, that such members are not, at the time such expenses are incurred, public employees otherwise entitled to such reimbursement.

§ 30. Section 97-pp of the state finance law, as amended by chapter 631 of the laws of 1994, subdivisions 4, 5 and 6 as amended by chapter 72 of the laws of 2006, is amended to read as follows:

§ 97-pp. New York state emergency services revolving loan account.

1. There is hereby established within the combined expendable trust fund-020 in the custody of the state comptroller a new account to be known as the "New York state emergency services revolving loan account".

2. The account shall consist of all moneys appropriated for its
purpose, all moneys transferred to such account pursuant to law, and all moneys required by this section or any other law to be paid into or credited to this account, including all moneys received by the account or donated to it, payments of principal and interest on loans made from the account, and any interest earnings which may accrue from the investment or reinvestment of moneys from the account.

3. Moneys of the account, when allocated, shall be available to the [secretary—of—state] commissioner of the division of homeland security and emergency services to make loans as provided in this section. Up to five percent of the moneys of the account or two hundred fifty thousand dollars, whichever is less, may be used to pay the expenses, including personal service and maintenance and operation, in connection with the administration of such loans.

4. (a) The [secretary—of—state] commissioner of the division of homeland security and emergency services, on recommendation of the state fire administrator, may make, upon application duly made, up to the amounts available by appropriation, loans for:

(i) Purchasing fire fighting apparatus. A loan for purchasing fire fighting apparatus shall not exceed the lesser of two hundred twenty-five thousand dollars or seventy-five percent of the cost of the fire fighting apparatus; provided, however, that loans issued in response to a joint application shall not exceed the lesser of four hundred thousand dollars or seventy-five percent of the cost of the fire fighting apparatus.

(ii) Purchasing ambulances or rescue vehicles. A loan for purchasing an ambulance or a rescue vehicle shall not exceed the lesser of one hundred fifty thousand dollars or seventy-five percent of the cost of the ambulance or rescue vehicle; provided, however, that loans issued in
response to a joint application shall not exceed the lesser of two
hundred sixty-five thousand dollars or seventy-five percent of the
cost of the ambulance or rescue vehicle.

(iii) Purchasing protective equipment or communication equipment.

A loan for purchasing protective equipment or communication equipment or both shall not exceed one hundred thousand dollars. Communication equipment purchased with such loan shall, to the maximum extent practicable, be compatible with the communication equipment of adjacent services and jurisdictions; provided, however, that loans issued in response to a joint application shall not exceed one hundred sixty-five thousand dollars.

(iv) Repairing or rehabilitating fire fighting apparatus, ambulances, or rescue vehicles. A loan for repairing or rehabilitating fire fighting apparatus, ambulances, or rescue vehicles shall not exceed the lesser of seventy-five thousand dollars or one hundred percent of the cost of the repair or rehabilitation; provided, however, that loans issued in response to a joint application shall not exceed the lesser of one hundred thirty-five thousand dollars or one hundred percent of the cost of the repair or rehabilitation.

(v) Purchasing accessory equipment. A loan for purchasing accessory equipment shall not exceed seventy-five thousand dollars; provided, however, that loans issued in response to a joint application shall not exceed one hundred thirty-five thousand dollars.

(vi) Renovating, rehabilitating or repairing facilities that house firefighting equipment, ambulances, rescue vehicles and related equipment. A loan for this purpose shall not exceed the lesser of one hundred fifty thousand dollars or seventy-five percent of the cost of the project; provided, however, that loans issued in response to a joint application shall not exceed the lesser of two hundred sixty-five thousand dollars or seventy-five percent of the cost of the project.

(vii) Construction costs associated with the establishment of
ties that house firefighting equipment, ambulances, rescue vehicles and related equipment. A loan for this purpose shall not exceed the lesser of three hundred thousand dollars or seventy-five percent of the cost of the construction, or be used for the payment of fees for design, planning, preparation of applications or other costs not directly attributable to land acquisitions or construction; provided, however, that loans issued in response to a joint application shall not exceed the lesser of five hundred twenty-five thousand dollars or seventy-five percent of the cost of the construction, or be used for the payment of fees for design, planning, preparation of applications or other costs not directly attributable to land acquisitions or construction.

(viii) Construction costs associated with the establishment of facilities for the purpose of live fire training. A loan for this purpose shall not be granted if another live fire training facility is located within the boundaries of the county or within twenty-five miles. A loan for this purpose shall not exceed the lesser of one hundred fifty thousand dollars or seventy-five percent of the cost of construction, provided, however, joint applications shall not exceed the lesser of two hundred sixty-five thousand dollars or seventy-five percent of the cost.

(b) No loan authorized by this section shall have an interest rate exceeding two and one-half percent. No applicant shall receive a loan for any purpose under paragraph (a) of this subdivision more than once in any five-year period; provided, however, that joint applicants may receive up to two loans in any five year period. The minimum amount of any loan shall be five thousand dollars. The period of any loan shall
not exceed the period of probable usefulness, prescribed by section 11.00 of the local finance law, for the emergency equipment to be purchased with the proceeds of the loan or, if no period be prescribed, five years. The total amount of any interest earned by the investment or reinvestment of all or part of the principal of any loan made under this section shall be returned to the commissioner of the division of homeland security and emergency services for deposit in the account and shall not be credited as payment of principal or interest on the loan. The commissioner of the division of homeland security and emergency services may require security for any loan and may specify the priority of liens against any emergency equipment wholly or partially purchased with moneys loaned under this section. The commissioner of the division of homeland security and emergency services may make loans under this section subject to such other terms and conditions the commissioner of the division of homeland security and emergency services deems proper.

(c) The commissioner of the division of homeland security and emergency services shall have the power to make such rules and regulations as may be necessary and proper to effectuate the purposes of this section.

(d) The commissioner of the division of homeland security and emergency services shall annually report by March fifteenth to the governor and the legislature describing the activities and operation of the loan program authorized by this section. Such report shall set forth the number of loan applications received and approved; the number of joint applications received and approved; the names of counties, cities, towns, villages and fire districts receiving loans together with the amount and purpose of the loan, the interest rate charged,
and the outstanding balance; and the balance remaining in the New
York  
state emergency services revolving loan account, along with fund
reven-
ues and expenditures for the previous fiscal year, and projected
reven-
ues and expenditures for the current and following fiscal years.
5. (a) Application for loans may be made by a town, village, city,
fire district, fire protection district, independent, not-for-
profit fire and ambulance corporation or county, other than a county
wholly contained within a city, provided that the application is otherwise
consistent with its respective powers. Applications may also be submit-
ted jointly by multiple applicants provided that the application is otherwise consistent with each applicant's respective powers.
(b) Every application shall be in a form acceptable to the [secretary]
emergen-
of state] commissioner of the division of homeland security and emergen-
cy services. Every application shall accurately reflect the conditions which give rise to the proposed expenditure and accurately reflect the ability of the applicant to make such an expenditure without the proceeds of a loan under this section.
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(c) (i) The [emergency services loan board] commissioner of the divi-

sion of homeland security and emergency services shall give preference to those applications which demonstrate the greatest need, joint appli-
cations, and to those applications the proceeds of which will be applied toward attaining compliance with federal and state laws and may disap-
prove any application which contains no adequate demonstration of need or which would result in inequitable or inefficient use of the moneys in the account.
(ii) In making determinations on loan applications, the [emergency services loan board] commissioner of the division of homeland security and emergency services shall assure that loan fund moneys are equitably distributed among all sectors of the emergency services community and
all geographical areas of the state. Loans for the purpose of personal protective firefighting equipment shall be given preference for a period of two years from the date the first loan is made. Not less than fifty percent of the loans annually made shall be made to applicants whose fire protection or ambulance service is provided by a fire department or ambulance service whose membership is comprised exclusively of volunteers and whose budget for the fiscal year immediately preceding did not exceed one hundred thousand dollars.

An application or joint application shall be referred by the secretary of state to the emergency services loan board. The board shall consist of the following thirteen members: the secretary of state as chair, or the secretary’s designee, the state fire administrator, five members appointed by the governor, two members appointed by the temporary president of the senate, two members appointed by the speaker of the assembly, one member appointed by the minority leader of the senate, and one member appointed by the minority leader of the assembly. Each member of the board shall serve at the pleasure of the appointing official. Members of the board shall serve without salary or per diem allowance, but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties under this section, provided, however, that such members are not, at the time such expenses are incurred, public employees otherwise entitled to reimbursement. Notwithstanding any inconsistent provisions of law, general, special or local, no officer or employee of the state, or political subdivision of the state, any governmental entity operating public school or college or other public agency or instrumentality of government which exercises governmental powers under the laws of the state, shall forfeit office or employment by reason of acceptance of appointment as a member, representative, officer, employee or agent
the board nor shall service as such member, representative, officer, employee or agent of the board be deemed incompatible or in conflict with such office or employment.

(e) An application or joint application shall not be approved:

(i) if the applicant or applicants are in arrears on any prior loan under this section,

(ii) if it shall be shown that at any time in the prior ten years the applicant or applicants used state funds to repay all or part of any loan made under this section.

(f) The commissioner of the division of homeland security and emergency services shall, to the maximum extent feasible, and consistent with the other provisions of this section, seek to provide that loans authorized by this section reflect an appropriate geographic distribution, are distributed equitably and encourage regional cooperation.

6. For purposes of this section, the following terms shall have the accompanying meanings:

(a) "Fire companies" means (i) a fire company, the members of which are firefighters, volunteer, paid or both, of a county, city, town, village, fire district or fire department, or (ii) a fire corporation, the members of which are firefighters, volunteer, paid or both, providing fire protection pursuant to a fire protection contract within a fire protection district of a town.

(b) "Volunteer ambulance service" means an individual, partnership, association, corporation, municipality or any legal or public entity or subdivision thereof engaged in providing emergency medical services and the transportation of sick, disabled or injured persons by motor vehicle, aircraft or other form of transportation to or from facilities providing hospital services which is (i) operating not for pecuniary profit or financial gain, and (ii) no part of the assets or income of
which is distributable to, or inures to the benefit of, its members,
directors or officers.
(c) "Ambulance" means a motor vehicle designed, appropriately
equipped, and used for carrying sick or injured persons.
(d) "Accessory equipment" means equipment necessary to support the
ordinary functions of fire fighting, emergency medical services,
or rescue activities other than communication equipment, protective equip-
ment, and motor vehicles together with their fixtures and appointments.
(e) "Account" means the New York state emergency services revolving
loan account established by this section within the combined expendable
trust fund-020.
(f) "Communication equipment" means any voice or original transmission
system or telemetry system used to enhance fire fighter safety on the
grounds of a fire or other emergency.
(g) "Emergency equipment" means any or all of the following: ambu-
lances, accessory equipment, communication equipment, fire fighting
apparatus, protective equipment, and rescue vehicles.
(h) "Fire fighting apparatus" means elevated equipment, pumpers,
tank-
ers, ladder trucks, hazardous materials emergency response vehicles,
or other such specially equipped motor vehicles used for fire protection,
together with the fixtures and appointments necessary to support their
functions.
(i) "Joint application" means an application submitted by two or more
towns, villages, cities, fire districts, fire protection districts,
ot-for-profit fire and ambulance corporations or counties, other than a
county wholly contained within a city, for any purposes provided in
subdivision four of this section.
(j) "Protective equipment" means any clothing and devices that comply
with occupational safety and health administration standards (federal
occupational safety and health act regulations) used to protect person-
nel who provide emergency services from injury while performing their
functions, including, but not limited to, helmets, coats, boots, eyesh-
ields, gloves and self contained respiratory protection devices.

(k) "Rescue vehicle" means a motor vehicle, other than an ambulance or fire fighting apparatus, appropriately equipped and used to support department operations and includes a vehicle specifically for carrying accessory equipment.

§ 31. Section 326 of the county law, as added by section 1 of part G of chapter 81 of the laws of 2002, is amended to read as follows:

§ 326. New York state [911] interoperable and emergency communication board. The "New York state [911] interoperable and emergency communication board" is hereby established within the [department of state division of homeland security and emergency services. The board shall assist local governments, service suppliers, wireless telephone service suppliers and appropriate state agencies by facilitating the most efficient and effective routing of 911 emergency calls; developing minimum standards for public safety answering points; promoting the exchange of information, including emerging technologies; and encouraging the use of best practice standards among the public safety answering point communi-

§ 32. Section 328 of the county law is amended by adding a new subdivision 10 to read as follows:

10. a. The New York state interoperable and emergency communication board shall make recommendations to the commissioner of the division of homeland security and emergency services on the expenditure of grants and other funding programs related to interoperable and emergency communications. In carrying out this responsibility, and consistent with the mission of the division of homeland security and emergency services, the board will make recommendations related to the development, coordination and implementation of policies, plans, standards, programs and services related to interoperable and emergency communications, including but not
limited to ensuring compliance with federal mandates for interoperable communications and compatibility with the National Incident Management System.

b. The board, in fulfilling its role to provide ongoing guidance regarding policies, plans, standards, programs and services related to interoperable and emergency communications, shall:

(1) establish structures and guidelines to maintain interoperable communications planning and coordination at the statewide level;

(2) establish, promulgate and revise standards for the operation of public safety answering points; and

(3) establish guidelines regarding the creation of regionally based radio communications systems compatible with the structures and guidelines created under subparagraph one of this paragraph and with federal mandates and best practices.

§ 33. Section 327 of the county law, as added by section 1 of part G of chapter 81 of the laws of 2002, subdivision 5 as amended by section 2 of part Y of chapter 62 of the laws of 2003, is amended to read as follows:

§ 327. New York state [911] interoperable and emergency communication board membership. 1. The board shall consist of [thirteen] twenty-five members who shall be selected as follows:

(a) one shall be the [secretary of state] statewide interoperable and emergency communication coordinator, or his or her designee, who shall be the chairperson of the board;

(b) one shall be the commissioner of criminal justice services, or his or her designee;

(c) [five] one shall be the superintendent of the state police, or his or her designee;

(d) one shall be the adjutant general of the division of military and naval affairs, or his or her designee;

(e) one shall be the commissioner of the division of homeland security and emergency services, or his or her designee;

(f) one shall be the commissioner of the department of transportation, or his or her designee;

(g) one shall be the commissioner of the department of health, or his
(h) one shall be the director of the office for technology, or his or her designee; 

(i) seven shall be appointed by the governor; provided, however, that no more than two such appointments made pursuant to this paragraph shall be from the same category of members as provided for in subdivision two of this section; 

[j] five shall be appointed by the governor upon the recommendation of the temporary president of the senate; provided, however, that no more than one such appointment made pursuant to this paragraph shall be from the same category of members as provided for in subdivision two of this section; and 

[k] five shall be appointed by the governor upon the recommendation of the speaker of the assembly; provided, however, that no more than one such appointment made pursuant to this paragraph shall be from the same category of members as provided for in subdivision two of this section. 

2. The members appointed upon the recommendation of the temporary president of the senate and the speaker of the assembly, and the members appointed by the governor pursuant to paragraph (c) of subdivision one of this section, shall have experience with interoperable and emergency communication issues, and shall be representative of chiefs of police, sheriffs, fire chiefs and departments, ambulance service providers, including proprietary or volunteer ambulance services, county 911 coordinators, emergency managers, local elected officials, [wireless telephone service suppliers, service suppliers] non-governmental organizations specializing in disaster relief, tribal nation representation, and statewide first responder associations, or representatives of consumer interests. 

3. Each board member shall be appointed for a term of four years.
Vacancies in the board occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment. The board shall meet as frequently as it may deem necessary and at least four times each year on such dates as agreed upon by the board. The board may approve and from time to time amend bylaws in relation to its meetings and the transaction of its business. A majority of the members of the board then in office shall constitute a quorum for the transaction of any business or the exercise of any power by the board.

4. Members of the board shall receive no compensation for their services, but shall be reimbursed for actual and necessary expenses incurred by them in the performance of their duties. Notwithstanding any inconsistent provisions of law, no officer or employee of the state or any political subdivision of the state shall forfeit such office or employment by reason of acceptance or appointment as a member of the board. For purposes of section thirteen of article thirteen of the state constitution, membership on the board by a sheriff shall not constitute public office.

5. Article two of the state administrative procedure act shall not apply, provided, however, that the board shall publicly post the standards proposed pursuant to section three hundred twenty-eight of this article no later than forty-five days prior to their adoption. Such standards shall be posted in appropriate publications, the state register and on the [department of state's] division of homeland security and emergency services' website. During such forty-five day period, the board shall receive and consider public comment on the proposed standards before adopting final standards. Upon final adoption, those standards adopted pursuant to section three hundred twenty-eight of this
article shall be posted in appropriate publications, the state register
and on the [department of state's] division of homeland security and
emergency services' website.

6. The board shall be subject to articles six and seven of the public
officers law.
§ 34. Section 328-a of the county law is REPEALED.
§ 35. Section 328-b of the county law, as added by section 1 of part G
of chapter 81 of the laws of 2002, is amended to read as follows:
§ 328-b. Powers and duties of the chairperson. 1. The chairperson
having an interest in the duties of the board, and shall consult with
such agencies in carrying out the duties of the board.
2. The chairperson shall receive such assistance as required to carry
out its duties from staff of the [department of state] division of homeland
land security and emergency services designated for such purposes,
as well as staff members recommended by other state agencies to the
chairperson.
3. The board may request and receive from any department,
division, board, bureau, commission, or other agency of the state or any political
subdivision thereof such assistance, information, and data as will enable the board to properly carry out its functions, powers, and
duties under this article.
§ 36. Section 331 of the county law is REPEALED.
§ 37. Section 332 of the county law is REPEALED.
§ 38. Paragraph (c) of subdivision 6 of section 186-f of the tax
law, as amended by section 3 of part B of chapter 56 of the laws of 2009,
is amended to read as follows:
(c) [To fund costs associated with the design, construction, and
operation of the statewide wireless network annually pursuant to
appropriation by the legislature] Up to the sum of seventy-five million
dollars annually may be used for the provision of grants or reimbursements
to counties for the development, consolidation, or operation of public
safety communications systems or networks designed to support statewide
interoperable communications for first responders, to be distributed pursuant to standards and guidelines issued by the state. Annual grants may consider costs borne by a municipality related to the issuance of local public safety communications bonds pursuant to section twenty-four hundred thirty-two of the public authorities law, when the municipality has qualified as an approved participant in a statewide interoperable communications system under the standards and guidelines issued by the state, and maintains compliance with such standards and guidelines. The grant amount will be prescribed pursuant to an agreement with the municipality, and may not exceed thirty percent of the annual cost borne by the municipality in relation to such bonds; § 39. Paragraphs (d) and (e) of subdivision 6 of section 186-f of the tax law, as added by section 3 of part B of chapter 56 of the laws of 2009, are amended and a new paragraph (e) is added to read as follows: (d) Not less than the sum of ten million dollars annually must be disbursed pursuant to article six-A of the county law and appropriated by the legislature; and (e) services and expenses that support the operations and mission of the division of homeland security and emergency services as appropriated by the legislature. § 40. Section 156-e of the executive law, as added by section 2 of part A of chapter 81 of the laws of 2002, is amended to read as follows: § 156-e. College fire safety. 1. Notwithstanding the provisions of any law to the contrary, the office of fire prevention and control of the division of homeland security and emergency services, by and through the
state fire administrator or their duly authorized officers and employees, shall have the responsibility to annually inspect buildings under the jurisdiction of public colleges and independent colleges, as these terms are defined in section eight hundred seven-b of the education law, for compliance with and violations of the uniform fire prevention and building code; or any other applicable code, rule or regulation pertaining to fire safety. Buildings subject to inspection are all buildings under the jurisdiction of such colleges used for classroom, dormitory, fraternity, sorority, laboratory, physical education, dining, recreational or other purposes.

2. a. The office of fire prevention and control shall have the power to issue a notice of violation and orders requiring the remedying of any condition found to exist in, on or about any such building which violates the uniform fire prevention and building code, or any other code, rule or regulation pertaining to fire safety, fire safety equipment and fire safety devices. Such office is further authorized to promulgate regulations regarding the issuance of violations, compliance with orders, and providing for time for compliance, reinspection procedures, and issuance of certificates of conformance.

b. Where any college authority in general charge of any public or independent college buildings is served personally or by registered or certified mail with an order of the office of fire prevention and control to remedy any violation and fails to comply with such order immediately or within such other time as specified in the order, the office of fire prevention and control may avail itself of any or all of the following remedies: (1) assess a civil penalty of up to five hundred dollars per day until the violation is corrected; (2) order immediate closure of the building, buildings or parts thereof where a violation exists that poses an imminent threat to public health and
safety; (3) exercise all of the authority conferred upon the secretary of state pursuant to article eighteen of this chapter to obtain compliance with its orders; or (4) refer violations to the appropriate local government authorities for enforcement pursuant to article eighteen of this chapter.

c. The office of fire prevention and control [by and through the secretary of state] is authorized to commence necessary proceedings in a court of competent jurisdiction seeking enforcement of any of its orders and payment of assessed penalties.

3. a. Except as provided herein, any county, city, town or village, pursuant to resolution of their respective legislative bodies, may apply to the office of fire prevention and control for delegation of all or part of the duties, rights and powers conferred upon the office of fire prevention and control by this section and section eight hundred seven-b of the education law. Upon acceptable demonstration of adequate capability, resources and commitment on the part of the applicant local government, the office of fire prevention and control may make such delegation, in which case the local government shall also have all of the rights, duties and powers provided to local governments in article eighteen of this chapter and in any city charter or code. The authority granted in this section to assess civil penalties and order closure of buildings [and take action possessed by the secretary of state under article eighteen of this chapter,] shall not be delegated to the local government. Such powers shall continue in the office of fire prevention and control which may exercise them in the case of violations, on its own volition or at the request of the delegee local government. The delegation shall expire after three years, and may be renewed at the discretion of the office of fire prevention and control. All inspection
reports conducted pursuant to a delegation of authority shall be promptly filed with the office of fire prevention and control. In the event any such report is not filed or reasonable grounds exist to believe that inspections or enforcement are inadequate or ineffective, the office of fire prevention and control may revoke the delegation or continue it subject to terms and conditions specified by the office of fire prevention and control.

b. The authorities in a city having a population of one million or more shall exercise all of the rights, powers and duties pertaining to inspection of independent and public college buildings and enforcement provided in this section and section eight hundred seven-b of the education law, without impairing any existing authority of such city. A copy of all inspection reports shall be filed with the office of fire prevention and control by the authorities conducting inspections.

§ 41. Subdivision 2 and paragraph (b) of subdivision 3 of section 837-o of the executive law, as amended by chapter 689 of the laws of 2002, are amended to read as follows:

2. Within ten business days of receipt from the applicant, the chief of the fire company shall send the completed search request form to either (i) the sheriff's department of the county in which the fire company is located, or (ii) the office of fire prevention and control, as follows:

(a) the sheriff's department of the county in which the fire company is located shall be responsible for receiving the search requests and processing the search requests with the division within ten business days of receipt from the chief of the fire company, unless the office of fire prevention and control pursuant to the municipal home rule law a local law providing that the sheriff's department shall not have such responsibility;

(b) in all other instances where a county legislative body has adopted
a local law pursuant to paragraph (a) of this subdivision, the office of fire prevention and control shall be responsible for receiving search requests and forwarding the search requests to the division. The office of fire prevention and control is hereby authorized to establish a communication network with the division for the purpose of forwarding search requests and receiving search results pursuant to paragraph (b) of this subdivision. (b) The results of the search shall be communicated in writing, within ten business days of receipt from the division, to the chief of the fire company from which the search request originated by either the sheriff's department or the office of fire prevention and control, and shall be kept confidential by the chief, except as provided in paragraph (c) of this subdivision. The results of the search shall only state either that: (i) the applicant stands convicted of arson, or (ii) the applicant has no record of conviction for arson. The results of the search shall not divulge any other information relating to the criminal history of the applicant.

§ 42. Subdivisions 1 and 2 of section 225-a of the county law, as amended by chapter 225 of the laws of 1979, are amended to read as follows:

1. In order to develop and maintain programs for fire training, fire service-related activities and mutual aid in cases of fire and other emergencies in which the services of firemen would be used and to cooperate with the office of fire prevention and control in the development of such programs, the board of supervisors of any county may create a county fire advisory board and may establish the office of county fire coordinator.

2. A county fire advisory board shall consist of not less than five
nor more than twenty-one members, each of whom shall be appointed by
the
board of supervisors for a term of not to exceed one year, two years
or
three years. Such terms of office need not be the same for all
members.
It shall be the duty of such board to cooperate with the office of
fire
prevention and control [in the department of state] in relation to
such
programs for fire training, fire service-related activities and
mutual
aid; to act as an advisory body to the board of supervisors and to
the
county fire coordinator, if any, in connection with the county
participation in such programs for fire training, fire service-related
activities and mutual aid and in connection with the county establishment
and
maintenance of a county fire training school and mutual aid programs
in
cases of fire and other emergencies in which the services of
firemen
would be used; to perform such other duties as the board of
supervisors
may prescribe in relation to fire training, fire service-related
activities and mutual aid in cases of fire and other emergencies in which
the
services of firemen would be used. The members of such board shall
be
county officers, and shall serve without compensation.
§ 43. Section 399-n of the general business law, as added by
chapter
576 of the laws of 1985, is amended to read as follows:
§ 399-n. Approval of electrical devices. Whenever electrical
devices
or electrical wiring or electrical apparatus are required to be
approved
by underwriters laboratories for fire safety by any statute, law,
rule
or regulation, of the state or any municipality thereof, approval by
any
qualified laboratory or testing organization that tests for fire
safety
in the state of New York will be deemed to be satisfaction of
such
requirement. For the purposes of this section, a qualified laboratory
or
testing organization is one which meets the criteria of (1) the
American
Society for Testing Materials test E548-76, or (2) any rules or
regulations relating thereto that may be promulgated by [the office of
fire
prevention and control of] the department of state.
§ 44. Section 204-d of the general municipal law, as amended by chapter 583 of the laws of 2006, is amended to read as follows:

§ 204-d. Duties of the fire chief. The fire chief of any fire department or company shall, in addition to any other duties assigned to him by law or contract, to the extent reasonably possible determine or cause to be determined the cause of each fire or explosion which the fire department or company has been called to suppress. He shall file with the office of fire prevention and control [of the department of state] a report containing such determination and any additional information required by such office regarding the fire or explosion. The report shall be in the form designated by such office. He shall contact or cause to be contacted the appropriate investigatory authority if he has reason to believe the fire or explosion is of incendiary or suspicious origin. For all fires that are suspected to have been ignited by a cigarette, within fourteen days after completing the investigation into such fire, the fire chief shall forward to the office of fire prevention and control information detailing, to the extent possible: (a) the specific brand and style of the cigarette suspected of having ignited such fire; (b) whether the cigarette package was marked as required by subdivision six of section one hundred fifty-six-c of the executive law; and (c) the location and manner in which such cigarette was purchased.

§ 45. Subdivisions 1 and 2 of section 209-e of the general municipal law, as amended by chapter 225 of the laws of 1979, are amended to read as follows:

1. Plan. The state fire administrator shall prepare a state fire mobilization and mutual aid plan which may provide for the establishment of fire mobilization and mutual aid zones of the state. Upon filing of the plan in the office [of the department of state] of fire prevention and...
control such plan shall become the state fire mobilization and mutual
aid plan. Such plan may be amended from time to time in the same
manner as originally adopted.

2. Regional fire administrators. The state fire administrator may
appoint and remove a regional fire administrator for each fire
mobilization and mutual aid zone established pursuant to the state fire
mobilization and mutual aid plan. Before he enters on the duties of the
office, each regional fire administrator shall take and subscribe before
an officer authorized by law to administer oaths the constitutional oath
of office, which shall be administered and certified by the officer
taking the same without compensation and shall be filed in the office of
[the department of state] fire prevention and control.

§ 46. Subsection (b) of section 318 of the insurance law is amended to
read as follows:

(b) The information contained in such reports shall, in accordance with such regulations, be available to law enforcement agencies, to tax districts which have, pursuant to the provisions of section twenty-two of the general municipal law, filed with the superintendent a notice of intention to claim against the proceeds of a policy of fire insurance, to the office of fire prevention and control [of the department of state] and to appropriate governmental agencies charged with the responsibility for demolition of structures.

§ 47. Section 54-e of the state finance law, as added by chapter 741
of the laws of 1978, paragraph g of subdivision 1 as amended by chapter 225 of the laws of 1979, is amended to read as follows:

§ 54-e. State assistance to reimburse municipalities for firefighting costs. 1. As used in this section, unless otherwise expressly stated:

a. "Normal operating expenses" shall mean those costs, losses and expenses which are ordinarily associated with the maintenance, administration and day-to-day operations of the fire department of a municipality. Such expenses shall include, but not be limited to, the ordinary
wages of firefighters, administrative and other overhead costs, depreciation, the costs of litigation and the costs of employee's benefits, including insurance, disability, death, or health care whether or not such costs are incurred as the result of firefighting services rendered to property under the jurisdiction of the state of New York.

b. "Firefighting costs" shall mean those expenses and losses which would not have been incurred had not the fire in question taken place. Such costs shall include, but not be limited to, salaries for specially employed personnel, costs of supplies expended, and the lesser of

1. the cost of repairing any destroyed or damaged equipment or

2. the value of such equipment immediately preceding the fire.

Firefighting costs shall not include: normal operating expenses as defined herein, any firefighting cost for which the municipality is reimbursed under a policy of insurance or any costs associated with false alarms, regard less of cause.

c. "Claim" shall mean that amount which is equal to those firefighting costs incurred by a municipality to the extent that such costs exceed the sum of two hundred fifty dollars.

d. "Fire" shall mean any instance of destructive and uncontrolled burning on property under the jurisdiction of the state of New York including scorch burns and explosions of combustible dust or solids, flammable liquids and gases.

e. "Municipality" shall mean any county, city, village, town or fire district, having a fire department consisting of personnel, apparatus, and equipment which has as its purpose protecting property and maintaining the safety and welfare of the public from the dangers of fire, or, in the case of a fire protection district or that portion of a town outside a village or fire district, a fire company as defined in section three of the volunteer [firemen's] firefighters' benefit law.

The
personnel of any such fire department may be paid employees or unpaid volunteers or any combination thereof.

f. "Property under the jurisdiction of the state of New York" shall mean real property and improvements thereon and appurtenances thereto in which the state of New York holds legal fee simple title and further, any real property conveyed or made available to the New York state housing finance agency or the dormitory authority of the state of New York under agreements for the financing and construction of facilities for the state university of New York; provided however, with the exception of property occupied by the state university of New York, such property shall not include leasehold interest; provided further, such property shall not include any property for which a municipality receives any payments-in-lieu of taxes or any other payments, including real property taxes, that are or may be used for providing fire protection to such property.

g. "Secretary" shall mean the secretary of state or the state fire administrator as his designee.

2. Any municipality whose fire department has responded to a fire on property under the jurisdiction of the state of New York:

a. shall, within thirty days after such fire, submit a report, on a form prescribed by the secretary of state, office of fire prevention and control, to the secretary, office of fire prevention and control stating the location of such a fire and the firefighting costs incurred while fighting such a fire; and

b. may, within thirty days after such a fire, submit a claim, on a form prescribed by the secretary, office of fire prevention and control pursuant to the provisions of this section.

3. The secretary, office of fire prevention and control shall review each claim to determine if such claim shall be approved, reduced, amended or rejected and shall notify the municipality, within sixty days
51 of receipt of such claim, as to his determination. The
municipality
52 shall notify the office of fire prevention and control
within thirty days after receipt of the office of fire
prevention and control's notification, as to its acceptance or
rejection
55 of such determination. Failure to so notify the office of
fire prevention and control shall constitute an acceptance of the
determination. If accepted by the municipality, such acceptance shall
constitute the final and conclusive determination for such claim. If
rejected
by the municipality, such municipality shall resubmit its claim,
within
thirty days after receipt of the office of fire prevention
and control's notification, together with its reasons for objection
and
any additional documentation which may justify its claim. Upon
receipt
of a resubmitted claim, the office of fire prevention and control
shall review such claim and within sixty days of receipt of
such
resubmitted claim, make a final determination as to the amount to
be
approved for such claim. If the municipality shall dispute such
final
determination it may commence an action, within sixty days of such
final
determination, in the court of claims which shall have jurisdiction
to
adjudicate the claim and enter judgment, which judgment shall be a
final
determination for purposes of this section and shall be payable
in accordance with the provisions of subdivisions four and five of
this
section.
4. The office of fire prevention and control shall certify
all claims for which a final determination has been made. The
office of fire prevention and control shall submit all
claims
certified during the preceding year to the comptroller of the
department
of audit and control on or before April first of each year. Any
claim
that has been received prior to April first of such year, but for which no certification has been made, shall, for purposes of payment, be considered as a claim for the year in which such certification is made.

5. All claims certified by the [secretary] office of fire prevention and control shall be paid annually and shall be paid upon a warrant from the comptroller from funds appropriated in the local assistance fund. In the event such appropriation is insufficient to permit the aggregate annual payments authorized under this section, each municipality's payment for any claim or claims certified during the preceding year shall be decreased proportionally until the total payments are equal to the amount appropriated.

6. The chief fiscal officer of the municipality shall pay the amounts received under this section into the fund or funds from which moneys were expended to provide the firefighting services for which a reimbursement was made under this section.

7. This section shall not in any way impair, limit or modify the rights and obligations of any insurer under any policy of insurance.

8. The [secretary of state] office of fire prevention and control shall annually prepare a report on the effectiveness of this section and shall submit such report to the legislature. Such report shall include the number and location of any fire on property under the jurisdiction of the state of New York, the number of claims and the amount of each such claim filed pursuant to this section and further, the total amount of all claims filed and the total amount of payments made under the provisions of this section. The first such report shall be submitted to the legislature on or before June first, nineteen hundred seventy-nine.

§ 48. Subdivisions 4 and 5 of section 99-q of the state finance law, as added by chapter 490 of the laws of 2009, are amended to read as follows:

4. Monies shall be payable from the fund on the audit and warrant of...
the comptroller on vouchers approved and certified by the [secretary of state] on the recommendation of the office of fire prevention and control [state fire administrator].

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1. To the extent practicable, the [secretary of state] state fire administrator shall ensure that all monies received during a fiscal year are expended prior to the end of that fiscal year. § 49. Subdivision 1 of section 115-a of the vehicle and traffic law, as amended by chapter 225 of the laws of 1979, is amended to read as follows:

1. a vehicle operated by officials of the office of fire prevention and control [in the department of state],

§ 50. Subdivision 79 of section 2.10 of the criminal procedure law, as added by chapter 241 of the laws of 2004, is amended to read as follows:

79. Supervisors and members of the arson investigation bureau and fire inspection bureau of the [department of state's] office of fire prevention and control when acting pursuant to their special duties in matters arising under the laws relating to fires, their prevention, extinguishment, investigation thereof, and fire perils; provided, however, that nothing in this subdivision shall be deemed to authorize such employees to carry, possess, repair, or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

§ 51. Section 380 of the executive law, as added by section 707 of the laws of 1981, is amended to read as follows:

§ 380. Granting authority. The secretary[by and through the office of fire prevention and control] shall administer a program of local assistance to aid local governments in the administration and enforcement of locally adopted or state promulgated building and fire codes. Said program of local assistance shall conform to the requirements of section fifty-four-g of the state finance law. The secretary shall
adopt, amend and rescind such rules, regulations and guidelines as may be necessary for the performance of his or her functions, powers and duties under this section.

§ 52. Notwithstanding any law to the contrary, appropriations and reappropriations made in chapter 50 of the laws of 2010 to the Division of Homeland Security and Emergency Services for the Program, Cyber Security Program, Homeland Security Program, and Design and Construction Supervision Capital Construction Program shall be available to the current Office of Homeland Security for expenditure by these same programs during the period of April 1, 2010 through December 31, 2010; appropriations and reappropriations made in chapter 50 of the laws of 2010 to the Division of Homeland Security and Emergency Services for the Disaster Assistance Program and the Emergency Management Program shall be available to the Division of Military and Naval Affairs for expenditure by these same programs during the period of April 1, 2010 through December 31, 2010; appropriations and reappropriations made in chapter 50 of the laws of 2010 to the Division of Homeland Security and Emergency Services for the Fire Prevention and Control Program shall be available to the Department of State for expenditure by the Office of Fire Prevention and Control during the period of April 1, 2010 through December 31, 2010; and appropriations made in chapter 50 of the laws of 2010 to the Division of Homeland Security and Emergency Services for the Interoperable Communications Program shall be available to the Office for Technology for expenditure by State Interoperability Program Office during the period of April 1, 2010 through December 31, 2010.

§ 53. Annual report on merger. The commissioner of the division of homeland security and emergency services shall, on or before January first, two thousand eleven and two thousand twelve, submit to the governor, the temporary president of the senate, and the speaker of the
assembly, a report concerning the progress of the merger of the
former office of homeland security, state emergency management office,
state 911 board, office of cyber security and critical infrastructure
department, and office of fire prevention and control. Such report
shall include a current and projected organizational chart, identify
and account for cost savings achieved or costs incurred as a result of
such merger, evaluate progress made toward (a) improved cooperation
with local and federal partners, (b) improved flow of information among
the merged entities, (c) development of regional interoperable
communication networks, (d) restructuring of the 911 board, (e) creation of a
state-of-the-art training facility for first responders, (f) greater
efficiency of public safety functions at the local level, (g)
standardization and streamlining of grant operations, (h) efficiencies and savings
due to combined administrative functions and shared service centers,
and is pertinent to an assessment of the performance and cost-effectiveness
of the merger in the previous year.
§ 54. This act shall take effect July 1, 2010; provided however
that sections thirty-six and thirty-seven of this act shall take effect
on July 1, 2010 so long as nothing in this act may adversely affect
any state agency from distributing funds to political subdivisions of
the state in a like manner as the year prior; provided, however, that
if anything in this act adversely affects any state agency from
distributing funds to political subdivisions of this state in a like manner
as the year prior then sections thirty-six and thirty-seven of this
act shall take effect upon the cessation of such adverse effects,
provided that the director of the division of the budget shall notify the
ative bill drafting commission upon the cessation of such adverse effects provided for in this section in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law; and provided further that agencies are hereby authorized to promulgate and establish any rules and regulations that are necessary for the implementation of this act on its effective date.