2010 Article 2-B Changes
Overview

- Many of the changes were linguistic (modernizing terms - e.g., civil defense to emergency management)
- Modified/added a few definitions
- Added members to the DPC
- Added a new section 29-h
Executive Law § 20

(a) Definition of “disaster” amended to include bioterrorism, cyber event, nuclear, chemical, biological or bacteriological release.

(g) “Disaster emergency response personnel” which means “agencies, public officers, employees, or affiliated volunteers having duties and responsibilities under or pursuant to a CEMP.” This term replaces references to “civil defense forces” throughout 2-B.

(h) “Emergency management director” which means “the government official responsible for emergency preparedness, response and recovery for a county, city, town, or village.” This term takes the place of “civil defense director” throughout 2-B.
Executive Law § 21

- New agencies added to the DPC:
  - Parks, recreation and historic preservation
  - Correctional services
  - Children and family services
  - Division of homeland security and emergency services (all 5 offices of the Division have representation on the DPC as well)
  - Office of victim services
  - MTA
  - PA NY/NJ
Executive Law § 21

- Commissioner of DHSES designated as the chair of the DPC with vice chair appointed by the Governor
- Powers of the state civil defense commission formally transferred to the DPC
- NYS Office of Emergency Management designated as the staff arm of the DPC & responsible for implementing 2-B
Executive Law § 24

- (f) amended to add authority for a chief executive to establish alternate medical care sites in consultation with the state commissioner of health

- Previously this section allowed only the establishment of shelters and medical shelters
Amended to substitute “disaster emergency response personnel” for the outdated “civil defense forces”

Provides liability protection for personnel responding to a disaster, including volunteers

Volunteers have to be affiliated with and recognized in the CEMP (e.g., CERT, MRC)

Personnel receive the same protections as if they were part of civil defense forces acting pursuant to the Defense Emergency Act (DEA)

DEA provides immunity from liability for acts which cause damage or injury, either in response to an event, or during a drill
Executive Law 29-h

- Creates the Intrastate Mutual Aid Plan (IMAP)
- Establishes the IMAP committee (under the DPC)
  - Commissioner of DHSES is the Chair
  - Commissioners of Health and Agriculture and Markets
  - Fire Administrator
  - 5 representatives from local public safety or emergency response agencies (to be appointed by the Chair)
Committee is responsible for:

- Promulgating any rules or regulations necessary to implement IMAP
- Developing policies, procedures and guidelines associated with the program, including a process for the reimbursement
- Evaluating the use of the program
- Examining issues facing participating local governments regarding implementation of IMAP
- Preparing reports to the DPC related to effectiveness of the program and making recommendations for improvements

Committee shall meet at least twice a year
All jurisdictions are automatically included in the program unless they opt-out, in writing

**Does not** affect existing agreements or other mutual aid programs established in law

Only available when there is a locally-declared emergency

DHSES responsible for:

- Notifying all jurisdictions about the program and their ability to opt out;
- Maintaining a list of all participants;
- Providing operational support;
- Identifying best practices; and
- Providing assistance with development, implementation and management of a state-wide resource typing system
What’s not included in IMAP?

- Liability - not addressed except to say that each jurisdiction is responsible for maintaining insurance as it deems appropriate

- Credentialing (portability of powers, duties, and authority) for police officers and EMS personnel