

May 31, 2007

SPECIAL COMMITTEE ON ANIMALS AND THE LAW

S.4788 /A.6771

By: Saland / Miller et al.
Status: Senate Veterans, Homeland Security and Military Affairs Committee
Assembly Governmental Operations Committee

AN ACT to amend the executive law in relation to holding harmless certain emergency volunteers in disaster response.

Law and Section Referred to: Adds a new subparagraph 17 to paragraph b of subdivision 3 of section 22 of the executive law.

Report Prepared by: The Special Committee on Animals and the Law

This Bill is Recommended for Passage

S.4788 /A.6771 would amend section 22 of the executive law to require the state to provide liability and workers' compensation insurance for authorized volunteers who participate in efforts to move or protect animals when there is a natural or man-made disaster.

In the wake of Hurricane Katrina and all the reports of animals left behind when their owners were evacuated from dangerous areas, New York State started planning for the evacuation and/or protection of animals (in addition to humans) in the event of a natural or man-made disaster.

The state worked initially with FEMA to design a program for evacuation of both companion and farm animals. After designing a program that would become the Empire State Animal Response Team (SART), county animal response teams (CARTs) are urged to be formed in each county and trained in disaster response activities involving animals. Limited CARTs are in existence currently. Some of the members of CARTs are medical and veterinary medical professionals, and others are lay persons; all have volunteered their time to undergo the mandatory training required for members of CARTs before they are authorized to work as part of a CART.

If these individuals working on animal rescue efforts through the CARTs were state employees, their insurance coverage would be provided by the state. If they were employed by a business providing animal rescue services to the state under contract with the state, they would be covered by insurance provided by that business. However, because they are volunteers, and they are providing their services to the state through the

CARTs set up by the state, they likely have no insurance coverage for any damages or injuries they might cause.

If a disaster strikes, the volunteers who make up the CARTs will be working under conditions in which injuries may likely occur, both to themselves and to others. Workers' compensation coverage and other liability insurance coverage that would cover these volunteers for any injuries that may occur must be obtained to protect these individuals while they are volunteering their services, without compensation, through these agencies organized by the state.

The duties that these volunteers will perform are not unlike those performed for local governments by volunteer firefighters and volunteer ambulance workers, both of whom are provided insurance coverage by the state.

If the state cannot provide this coverage to the volunteers who have trained to assist the state and the counties with disaster relief services, volunteers may not be willing to engage in these potentially dangerous activities, and the ability of the CARTs to provide an effective response in a time of disaster will be compromised. This obstacle to the effective organization and operation of CARTs will be removed if the state is authorized to provide appropriate insurance coverage to these qualified volunteers who will be providing a necessary service to the general population in a time of disaster.

We therefore urge the legislature to approve this legislation.

Chair of the Committee: Holly Kennedy Passantino, Esq.