

5306

2011-2012 Regular Sessions

I N   S E N A T E

May 3, 2011

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Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, in relation to public safety and requiring the division of homeland security, in consultation with the department of education, to establish a statewide planning and mapping system for the schools, colleges and universities of the state

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     Section 1. The executive law is amended by adding a new section 718 to  
2     read as follows:  
3     S 718. STATEWIDE CRITICAL INCIDENT MAPPING AND PLANNING SYSTEM. 1. TO  
4     THE EXTENT THAT FUNDS ARE MADE AVAILABLE, THE DIVISION OF HOMELAND SECU-  
5     RITY AND EMERGENCY SERVICES SHALL ESTABLISH A STATEWIDE PLANNING AND  
6     MAPPING SYSTEM FOR THE PUBLIC AND PRIVATE SCHOOLS, COLLEGES AND UNIVER-  
7     SITIES IN THIS STATE FOR USE BY RESPONSE AGENCIES THAT ARE CALLED TO  
8     RESPOND TO AN ACT OF TERRORISM, CRIMINAL ATTACK, OR RELATED EMERGENCY.  
9     2. THE STATEWIDE PLANNING AND MAPPING SYSTEM MUST INCLUDE, WITHOUT  
10    LIMITATION:  
11    A. THE TYPE OF INFORMATION THAT MUST BE INCLUDED WITHIN THE SOFTWARE  
12    PROGRAM THAT COMPRISES THE SYSTEM, INCLUDING, WITHOUT LIMITATION, FLOOR  
13    PLANS, FIRE PROTECTION INFORMATION, BUILDING EVACUATION PLANS, UTILITY  
14    INFORMATION, KNOWN HAZARDS, AND INFORMATION ON HOW TO CONTACT EMERGENCY  
15    PERSONNEL;  
16    B. THE MANNER BY WHICH INFORMATION PRESCRIBED PURSUANT TO PARAGRAPH A  
17    OF THIS SUBDIVISION MUST BE TRANSFERRED TO THE SYSTEM FROM THE STATE  
18    AGENCIES AND THE POLITICAL SUBDIVISIONS THAT PARTICIPATE IN THE SYSTEM;  
19    C. STANDARDS FOR THE SOFTWARE THAT MUST BE USED BY STATE AGENCIES AND  
20    POLITICAL SUBDIVISIONS THAT PARTICIPATE IN THE SYSTEM;  
21    D. CONDITIONS FOR USE OF THE SYSTEM BY RESPONSE AGENCIES;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 E. GUIDELINES FOR (I) THE ACCESSIBILITY AND CONFIDENTIALITY OF INFOR-  
2 MATION CONTAINED WITHIN THE SYSTEM; AND (II) THE INCORPORATION, IN  
3 CONNECTION WITH THE USE OF THE SYSTEM, OF THE ITEMS DESCRIBED IN PARA-  
4 GRAPH B OF SUBDIVISION THREE OF THIS SECTION;

5 F. A LIST OF PRIORITY, DETERMINED IN ACCORDANCE WITH INFORMATION  
6 OBTAINED BY THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES,  
7 FOR THE DISTRIBUTION OF ANY MONEY THAT MAY BE AVAILABLE FOR THE STATE  
8 AGENCIES AND POLITICAL SUBDIVISIONS TO PARTICIPATE IN THE SYSTEM; AND

9 G. GUIDELINES RECOMMENDED BY THE DIVISION OF HOMELAND SECURITY AND  
10 EMERGENCY SERVICES FOR THE TRAINING OF PERSONS EMPLOYED BY RESPONSE  
11 AGENCIES CONCERNING THE USE OF THE SYSTEM.

12 3. TO THE EXTENT MONEY IS MADE AVAILABLE, THE STATE AGENCIES AND POLI-  
13 TICAL SUBDIVISIONS SHALL:

14 A. PARTICIPATE IN THE STATEWIDE PLANNING AND MAPPING SYSTEM; AND

15 B. INCORPORATE INTO THEIR USE OF THE SYSTEM, WITHOUT LIMITATION:

16 (I) EVACUATION ROUTES AND STRATEGIES FOR EVACUATION;

17 (II) ALARMS AND OTHER SIGNALS OR MEANS OF NOTIFICATION;

18 (III) PLANS FOR SHELTERING IN PLACE; AND

19 (IV) TRAINING AND STRATEGIES FOR PREVENTION IN CONNECTION WITH ATTACKS  
20 INVOLVING VIOLENCE.

21 IF A STATE AGENCY OR POLITICAL SUBDIVISION USES ITS OWN PLANNING AND  
22 MAPPING SYSTEM BEFORE THE DIVISION OF HOMELAND SECURITY AND EMERGENCY  
23 SERVICES ESTABLISHES A STATEWIDE PLANNING AND MAPPING SYSTEM, THE STATE  
24 AGENCY OR POLITICAL SUBDIVISION MAY CONTINUE TO USE ITS SYSTEM UNLESS  
25 MONEY IS MADE AVAILABLE FOR THE STATE AGENCY OR POLITICAL SUBDIVISION TO  
26 UPDATE OR MODIFY ITS SYSTEM AS NECESSARY FOR INCLUSION IN THE STATEWIDE  
27 SYSTEM.

28 4. THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL  
29 PURSUE ANY MONEY THAT MAY BE AVAILABLE FROM THE FEDERAL GOVERNMENT FOR  
30 THE DEVELOPMENT AND OPERATION OF A STATEWIDE PLANNING AND MAPPING SYSTEM  
31 FOR PUBLIC AND PRIVATE SCHOOLS, COLLEGES AND UNIVERSITIES AND FOR THE  
32 DISTRIBUTION OF GRANTS TO THE STATE AGENCIES AND POLITICAL SUBDIVISIONS  
33 THAT PARTICIPATE IN THE SYSTEM. THE DIVISION OF HOMELAND SECURITY AND  
34 EMERGENCY SERVICES MAY ACCEPT GIFTS, GRANTS, AND OTHER CONTRIBUTIONS FOR  
35 THE DEVELOPMENT AND OPERATION OF A STATEWIDE PLANNING AND MAPPING  
36 SYSTEM.

37 5. EACH STATE AGENCY AND POLITICAL SUBDIVISION THAT PARTICIPATES IN  
38 THE SYSTEM SHALL, ON OR BEFORE JULY FIRST, TWO THOUSAND THIRTEEN, AND ON  
39 OR BEFORE JULY FIRST EACH YEAR THEREAFTER, SUBMIT TO THE DIVISION OF  
40 HOMELAND SECURITY AND EMERGENCY SERVICES A PROGRESS REPORT SETTING  
41 FORTH, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DIVISION, THE EXPE-  
42 RIENCE OF THE AGENCY OR POLITICAL SUBDIVISION, AS APPLICABLE, WITH  
43 RESPECT TO ITS PARTICIPATION IN THE SYSTEM. THE DIVISION OF HOMELAND  
44 SECURITY AND EMERGENCY SERVICES SHALL RECEIVE AND PROCESS SUCH PROGRESS  
45 REPORTS AND PROVIDE TO THE LEGISLATURE A SUMMARIZED OVERVIEW OF THE  
46 SYSTEM ON OR BEFORE OCTOBER FIRST, TWO THOUSAND THIRTEEN, AND EACH OCTO-  
47 BER FIRST THEREAFTER.

48 6. AFTER THE STATEWIDE PLANNING AND MAPPING SYSTEM IS ESTABLISHED  
49 PURSUANT TO THIS SECTION, EACH STATE AGENCY AND POLITICAL SUBDIVISION  
50 THAT PARTICIPATES IN THE SYSTEM SHALL SUBMIT TO THE DIVISION OF HOMELAND  
51 SECURITY AND EMERGENCY SERVICES ANY INITIAL OR FINAL PLAN FOR A PUBLIC  
52 WORK PROJECT.

53 7. AS USED IN THIS SECTION:

54 A. "ACT OF TERRORISM" SHALL HAVE THE SAME MEANING AS DEFINED IN  
55 SECTION 490.05 OF THE PENAL LAW.

1 B. "CRIMINAL ATTACK" SHALL MEAN ANY VIOLENT FELONY OFFENSE AS DEFINED  
2 BY SECTION 70.02 OF THE PENAL LAW, COMMITTED AGAINST MORE THAN TWO  
3 PERSONS AT A PUBLIC OR PRIVATE SCHOOL.

4 C. "POLITICAL SUBDIVISION" MEANS ANY COUNTY, CITY, TOWN, VILLAGE,  
5 SPECIAL DISTRICT OR SCHOOL DISTRICT.

6 D. "RESPONSE AGENCY" MEANS THE DEPARTMENTS OF FIRE, POLICE, ENVIRON-  
7 MENTAL PROTECTION, HEALTH, TRANSPORTATION AND SANITATION, AND THE DIVI-  
8 SION OF EMERGENCY MEDICAL SERVICES OF THE HEALTH AND HOSPITALS CORPO-  
9 RATION.

10 E. "SHELTERING IN PLACE" MEANS TO REMAIN INSIDE A BUILDING, ROOM,  
11 STRUCTURE, OR OTHER LOCATION DURING AN EMERGENCY WHEN EGRESS MAY BE  
12 IMPOSSIBLE OR WHEN EGRESS MAY PRESENT A MORE SUBSTANTIAL RISK THAN  
13 REMAINING INSIDE THE BUILDING, ROOM, STRUCTURE, OR OTHER LOCATION.

14 S 2. This act shall take effect immediately.