S T A T E O F N E W Y O R K

5306

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

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:

Section 1. The executive law is amended by adding a new section 718 to read as follows:

S 718. STATEWIDE CRITICAL INCIDENT MAPPING AND PLANNING SYSTEM. 1. TO THE EXTENT THAT FUNDS ARE MADE AVAILABLE, THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL ESTABLISH A STATEWIDE PLANNING AND MAPPING SYSTEM FOR THE PUBLIC AND PRIVATE SCHOOLS, COLLEGES AND UNIVERSITIES IN THIS STATE FOR USE BY RESPONSE AGENCIES THAT ARE CALLED TO RESPOND TO AN ACT OF TERRORISM, CRIMINAL ATTACK, OR RELATED EMERGENCY.

2. THE STATEWIDE PLANNING AND MAPPING SYSTEM MUST INCLUDE, WITHOUT LIMITATION:

A. THE TYPE OF INFORMATION THAT MUST BE INCLUDED WITHIN THE SOFTWARE PROGRAM THAT COMPRISES THE SYSTEM, INCLUDING, WITHOUT LIMITATION, FLOOR PLANS, FIRE PROTECTION INFORMATION, BUILDING EVACUATION PLANS, UTILITY INFORMATION, KNOWN HAZARDS, AND INFORMATION ON HOW TO CONTACT EMERGENCY PERSONNEL;

B. THE MANNER BY WHICH INFORMATION PRESCRIBED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION MUST BE TRANSFERRED TO THE SYSTEM FROM THE STATE AGENCIES AND THE POLITICAL SUBDIVISIONS THAT PARTICIPATE IN THE SYSTEM;

C. STANDARDS FOR THE SOFTWARE THAT MUST BE USED BY STATE AGENCIES AND POLITICAL SUBDIVISIONS THAT PARTICIPATE IN THE SYSTEM;

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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E. GUIDELINES FOR (I) THE ACCESSIBILITY AND CONFIDENTIALITY OF INFORMATION CONTAINED WITHIN THE SYSTEM; AND (II) THE INCORPORATION, IN CONNECTION WITH THE USE OF THE SYSTEM, OF THE ITEMS DESCRIBED IN PARAGRAPH B OF SUBDIVISION THREE OF THIS SECTION;

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

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

3. TO THE EXTENT MONEY IS MADE AVAILABLE, THE STATE AGENCIES AND POLITICAL SUBDIVISIONS SHALL:

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

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

(I) EVACUATION ROUTES AND STRATEGIES FOR EVACUATION;

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

(III) PLANS FOR SHELTERING IN PLACE; AND

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

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

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

5. EACH STATE AGENCY AND POLITICAL SUBDIVISION THAT PARTICIPATES IN THE SYSTEM SHALL, ON OR BEFORE JULY FIRST, TWO THOUSAND THIRTEEN, AND ON OR BEFORE JULY FIRST EACH YEAR THEREAFTER, SUBMIT TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES A PROGRESS REPORT SETTING FORTH, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DIVISION, THE EXPERIENCE OF THE AGENCY OR POLITICAL SUBDIVISION, AS APPLICABLE, WITH RESPECT TO ITS PARTICIPATION IN THE SYSTEM. THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL RECEIVE AND PROCESS SUCH PROGRESS REPORTS AND PROVIDE TO THE LEGISLATURE A SUMMARIZED OVERVIEW OF THE SYSTEM ON OR BEFORE OCTOBER FIRST, TWO THOUSAND THIRTEEN, AND EACH OCTOBER FIRST THEREAFTER.

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

7. AS USED IN THIS SECTION:

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

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

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

D. "RESPONSE AGENCY" MEANS THE DEPARTMENTS OF FIRE, POLICE, ENVIRONMENTAL PROTECTION, HEALTH, TRANSPORTATION AND SANITATION, AND THE DIVISION OF EMERGENCY MEDICAL SERVICES OF THE HEALTH AND HOSPITALS CORPORATION.

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

S 2. This act shall take effect immediately.