

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

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2009-2010 Regular Sessions

I N A S S E M B L Y

May 4, 2009

Introduced by M. of A. DESTITO, MARKEY, GALEF, REILLY, SCHROEDER, FIELDS, JAFFEE, STIRPE, MAGNARELLI, EDDINGTON -- Multi-Sponsored by -- M. of A. DUPREY, GABRYSZAK, MAGEE, MCENENY, RUSSELL -- (at request of the Office for Technology) -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state technology law, in relation to renaming the statewide wireless network advisory council as the statewide interoperability advisory council

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

1 Section 1. Article 4 of the state technology law, as added by section
2 1 of part E of chapter 1 of the laws of 2004, such article as renumbered
3 by chapter 741 of the laws of 2005, section 403 as added by section 1 of
4 part G of chapter 56 of the laws of 2007, is amended to read as follows:
5 ARTICLE IV
6 STATEWIDE [WIRELESS NETWORK] INTEROPERABILITY
7 ADVISORY COUNCIL
8 Section 401. Statewide [wireless network] INTEROPERABILITY advisory
9 council.
10 402. Powers and duties of advisory council.
11 403. Annual reports of costs related to [the] A statewide [wire-
12 less network] INTEGRATED AND INTEROPERABLE COMMUNICATIONS
13 SYSTEM.
14 S 401. Statewide [wireless network] INTEROPERABILITY advisory council.
15 There is hereby established within the office for technology a statewide
16 [wireless network] INTEROPERABILITY advisory council. The advisory coun-
17 cil shall consist of [twenty-seven] TWENTY-EIGHT members. The governor
18 shall appoint [two] THREE members and the temporary president of the
19 senate and the speaker of the assembly shall each appoint four members.
20 ONE OF THE GOVERNOR'S APPOINTMENTS SHALL BE THE CHIEF ADMINISTRATIVE

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

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1 OFFICER OF A NEW YORK STATE COUNTY OR THEIR DESIGNEE. One of the gover-
2 nor's appointments and three of the appointments of the temporary presi-
3 dent of the senate and of the speaker of the assembly shall be a member,
4 officer, or employee of a first responder organization that serves a
5 municipal corporation. One each of the appointments of the temporary
6 president of the senate and of the speaker of the assembly shall possess
7 expertise in the field of communications technology but no appointee
8 shall be the owner, principal, or employee of an entity that has a
9 contract with the state of New York or that vends communications
10 products to any state or local government. An organization shall be
11 considered a first responder organization if it provides policing, fire-
12 fighting, or emergency medical services, as defined in subdivision elev-
13 en of section three hundred two of the retirement and social security
14 law, subdivision two of section one hundred of the general municipal
15 law, subdivisions one, two, three, four, five, six, and seven of section
16 three thousand one of the public health law, and section six hundred
17 fifty of the county law. In addition, the temporary president of the
18 senate and the speaker of the assembly shall each designate one member
19 of their respective houses to serve on the advisory council. Ex officio
20 members of the council shall be the director of the office of homeland
21 security, THE HEAD OF THE DIVISION OF MILITARY AND NAVAL AFFAIRS, THE
22 DIRECTOR OF THE STATE EMERGENCY MANAGEMENT OFFICE, the superintendent of
23 the state police, [the director of the office for technology,] THE CHIEF
24 INFORMATION OFFICER OF NEW YORK STATE, THE COMMISSIONER OF PARKS, RECRE-
25 ATION AND HISTORIC PRESERVATION, the commissioner of the department of
26 health, the commissioner of the department of correctional services, the
27 commissioner of the department of transportation, the commissioner of
28 the department of environmental conservation, the chairperson of the
29 thruway authority, the state fire administrator of the office of fire
30 prevention and control, the chief judge of the state, the commissioner
31 of the division of criminal justice services, the chairperson of the
32 metropolitan transportation authority, a designee of the law enforcement
33 council and the designee of the mayor of the city of New York, or their
34 designees. The chief information officer of New York state AND THE
35 SUPERINTENDENT OF THE STATE POLICE shall [be the chair of] CO-CHAIR the
36 advisory council.

37 S 402. Powers and duties of advisory council. 1. The advisory council
38 shall have the following functions, powers, and duties:

39 (a) To assist in the development and implementation of an integrated
40 AND INTEROPERABLE statewide communications system, using the most effec-
41 tive technology currently available, that would link state and local
42 first responders to each other and allow them to communicate reliably
43 during emergency situations and that would ensure that all first respon-
44 ders would have both access to and the capability to participate in the
45 system;

46 (b) To consult with and advise the office for technology regarding
47 state purchases of information and communications technology intended to
48 implement communications networks or systems that function among state
49 agencies, between state agencies and local governments and first respon-
50 ders, and among local agencies and first responders[, including but not
51 limited to the statewide wireless network];

52 (c) To examine and make recommendations [to the governor, the tempo-
53 rary president of the senate, and the speaker of the assembly] regarding
54 the availability and reliability of means by which residents of the
55 state receive a timely response in all geographic areas of the state,
56 including areas in which some communications technology functions unre-

1 liably, such as underground mass transit systems and remote or mountai-
2 nous regions of the state, and to explore ways in which new technologies
3 may be introduced or enhanced so that such communications effectively
4 lead to timely assistance; and

5 (d) To [submit a preliminary report by June first, two thousand five,
6 and to] EXAMINE AND MAKE RECOMMENDATIONS REGARDING STATE POLICY ON ALL
7 MATTERS CONCERNING INTEROPERABILITY OF PUBLIC SAFETY COMMUNICATION
8 SYSTEMS AND EMERGENCY SERVICES AROUND THE STATE.

9 (E) TO submit annual reports on or before December thirty-first, two
10 thousand [five] NINE and each year thereafter, to the governor, the
11 temporary president of the senate, and the speaker of the assembly that
12 details the recommendations of the advisory council regarding an inte-
13 grated AND INTEROPERABLE statewide emergency communications system and
14 the issues examined pursuant to paragraphs (a), (b), [and] (c) AND (D)
15 of this subdivision. The advisory council shall as part of its report
16 evaluate existing state efforts to enhance emergency communications.

17 2. The advisory council shall meet as necessary to carry out its func-
18 tions and duties. THE CO-CHAIRS OF THE ADVISORY COUNCIL MAY APPOINT
19 WORKING GROUPS CONSISTING OF MEMBERS OF THE ADVISORY COUNCIL OR THEIR
20 DESIGNEES OR OTHER REPRESENTATIVES OF PUBLIC OR PRIVATE ENTITIES TO
21 ADVISE AND ASSIST THE ADVISORY COUNCIL IN CARRYING OUT ITS FUNCTIONS,
22 POWERS AND DUTIES, AS THE CO-CHAIRS DEEM NECESSARY; PROVIDED, HOWEVER,
23 THAT NO APPOINTEE SHALL BE THE OWNER, PRINCIPAL, OR EMPLOYEE OF AN ENTI-
24 TY THAT HAS A CONTRACT WITH THE STATE OF NEW YORK OR THAT VENDS COMMUNI-
25 CATIONS PRODUCTS TO ANY STATE OR LOCAL GOVERNMENT. Members of the advi-
26 sory council OR WORKING GROUPS shall receive no compensation for their
27 services [as members] but shall be allowed their actual and necessary
28 expenses incurred in the performance of their duties. The office for
29 technology shall provide the staff and support necessary for the advi-
30 sory council OR WORKING GROUPS to carry out its duties and responsibil-
31 ities.

32 S 403. Annual reports of costs related to [the] A statewide [wireless
33 network] INTEGRATED AND INTEROPERABLE COMMUNICATIONS SYSTEM. Annual
34 expenditures of the prior year and anticipated expenditures of the
35 upcoming year to acquire equipment necessary to participate in [the] A
36 statewide [wireless network] INTEGRATED AND INTEROPERABLE COMMUNICATIONS
37 SYSTEM shall be reported as follows:

38 1. The chief executive officer of each city, town, village and the
39 fire district board of commissioners shall submit to the county by Janu-
40 ary fifteenth of each year, an itemized list of the total expenditure of
41 federal, state and local funds by each such city, town, village and fire
42 district during the period January first through December thirty-first
43 of the previous calendar year and anticipated expenditures for the next
44 fiscal year, for the acquisition of commodities, options, enhancements
45 and related services necessary for such city, town, village or fire
46 district to participate in or gain access to [the] A statewide [wireless
47 network] INTEGRATED AND INTEROPERABLE COMMUNICATIONS SYSTEM. Any city,
48 town, village or fire district that incurs no relevant expenses and
49 anticipates no relevant expenses for the next fiscal year is not
50 required to submit such list. Each county shall prepare an itemized list
51 of the total expenditure of federal, state and local funds during the
52 period January first through December thirty-first of the previous
53 calendar year and anticipated expenditures for the next fiscal year for
54 the acquisition of commodities, options, enhancements and related
55 services necessary for the county to participate in or gain access to
56 [the] A statewide [wireless network] INTEGRATED AND INTEROPERABLE COMMU-

1 NICATIONS SYSTEM. The county shall compile its list along with the lists
2 of the cities, towns, villages and fire districts within its boundaries
3 and submit the combined list to the office of the state comptroller by
4 January thirtieth. Any county wholly contained within a city need not
5 report, if the city reports.

6 2. Each state agency and each public benefit corporation shall annual-
7 ly prepare and transmit to the office of the state comptroller by Janu-
8 ary thirtieth of each year a report that shall include the total expend-
9 iture by that agency during the period January first through December
10 thirty-first of the previous calendar year for the acquisition of
11 commodities, options, enhancements and related services necessary for
12 the agency or authority to participate in or gain access to [the] A
13 statewide [wireless network] INTEGRATED AND INTEROPERABLE COMMUNICATIONS
14 SYSTEM. Any agency or public benefit corporation that incurs no relevant
15 expenses is not required to submit such report.

16 3. The office of the state comptroller shall prepare an annual report
17 compiling the expenditures and anticipated expenditures of counties,
18 cities, towns, villages, and fire districts, and the expenditures of the
19 state agencies and public benefit corporations for the acquisition of
20 commodities, options, enhancements and related services related to their
21 participation in or use of [the] A statewide [wireless network] INTE-
22 GRATED AND INTEROPERABLE COMMUNICATIONS SYSTEM and shall transmit such
23 report by March fifteenth of each year to the governor, the temporary
24 president and minority leader of the senate, the speaker and the minori-
25 ty leader of the assembly, the director of the division of budget, and
26 the statewide [wireless network] INTEROPERABILITY advisory council.

27 S 2. This act shall take effect immediately.