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

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I N A S S E M B L Y

June 9, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Destito) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state technology law, in relation to establishing the office of the chief information officer, the enterprise executive governance board and the information technology investment board; to amend the state finance law, in relation to state procurement of technology; and to repeal sections 104 and 105 of the state technology law relating to the advisory council for technology

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

Section 1. The article heading of article 1 of the state technology law, as added by chapter 430 of the laws of 1997 and renumbered by chapter 437 of the laws of 2004, is amended to read as follows:

OFFICE [FOR TECHNOLOGY] OF THE CHIEF INFORMATION OFFICER

S 2. Section 101 of the state technology law, as added by chapter 430 of the laws of 1997 and as renumbered by chapter 437 of the laws of 2004, is amended to read as follows:

S 101. Definitions. As used in this article the following terms shall mean:

1. "Council" means the CHIEF INFORMATION OFFICER advisory council [for technology].

2. ["Director" means the director of the office] "CHIEF INFORMATION OFFICER" MEANS THE NEW YORK STATE CHIEF INFORMATION OFFICER.

3. "Office" means the office [for technology] OF THE CHIEF INFORMATION OFFICER.

4. "State agency" means any department, board, bureau, commission, division, office, council, committee or officer of the state; ALL PUBLIC BENEFIT CORPORATIONS AND PUBLIC AUTHORITIES, THE HEADS OF WHICH ARE APPOINTED BY THE GOVERNOR; AND THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK. Such term shall not include the legislature or judiciary.

5. "Technology" means a good, service, or good and service that results in a digital, electronic or similar technical method of achieving a practical purpose or in improvements in productivity, including

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

LBD17689-01-0

but not limited to information management, equipment, software, operating systems, interface systems, interconnected systems, telecommunications, data management, VOICE AND DATA networks, and network management, consulting, supplies, facilities, ANCILLARY PRODUCTS AND SERVICES, maintenance [and], SUPPORT, PROGRAMMING, PROJECT MANAGEMENT, training AND ANY OTHER RELATED GOODS AND SERVICES.

6. "LOCAL GOVERNMENT" MEANS ANY COUNTY, CITY, TOWN, VILLAGE, SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, LOCAL PUBLIC BENEFIT CORPORATIONS OR OTHER MUNICIPAL CORPORATION OR POLITICAL SUBDIVISION OF THE STATE.

7. "INFORMATION TECHNOLOGY WORKFORCE" SHALL INCLUDE BOTH EMPLOYEES OF THE STATE AGENCIES AND ANY WORKERS EMPLOYED BY A PRIVATE VENDOR WHO ARE UNDER CONTRACT TO PERFORM WORK FOR THE STATE AGENCY.

S 3. Section 102 of the state technology law, as added by chapter 430 of the laws of 1997 and as renumbered by chapter 437 of the laws of 2004, is amended to read as follows:

S 102. Office [for technology; director] OF THE CHIEF INFORMATION OFFICER; HEAD, organization and employees. 1. The office [for technology] OF THE CHIEF INFORMATION OFFICER is hereby created within the executive department to have and exercise the functions, powers and duties provided by the provisions of this article and any other provision of law.

2. The head of the office shall be the [director of the office, who shall serve as the chief technology officer for the state of New York and shall be designated as management confidential in the noncompetitive class in accordance with the civil service law. The director] CHIEF INFORMATION OFFICER, WHO shall be the chief executive [officer] of and in sole charge of the administration of the office. The [director] CHIEF INFORMATION OFFICER shall be entitled to receive reimbursement for expenses actually and necessarily incurred by him or her in the performance of his or her duties.

3. The [director] CHIEF INFORMATION OFFICER may, from time to time, create, abolish, transfer and consolidate bureaus and other units within the office not expressly established by law as he or she may determine necessary for the efficient operation of the office, subject to the approval of the director of the budget.

4. The [director] CHIEF INFORMATION OFFICER may appoint, in accordance with the civil service law, such deputies, assistants, and other officers and employees, committees and consultants as he or she may deem necessary, prescribe their powers and duties, fix their compensation, and provide for reimbursement of their expenses within the amounts appropriated therefor. THE CHIEF INFORMATION OFFICER MAY APPOINT WORK GROUPS, COMMITTEES, COUNCILS, TASK FORCES OR OTHER SUCH ENTITIES NECESSARY TO CARRY OUT THE FUNCTIONS, POWERS AND DUTIES OF THE OFFICE.

5. The [director] CHIEF INFORMATION OFFICER may request and receive from any [department, division, board, bureau, commission or other agency of the state] STATE AGENCY or any [political subdivision thereof or any public authority, staff and other] LOCAL GOVERNMENT, assistance, information, and resources as will enable the office to properly carry out its functions, powers and duties.

6. THE CHIEF INFORMATION OFFICER SHALL, AMONG OTHER DUTIES:

(A) OVERSEE, DIRECT AND COORDINATE THE ESTABLISHMENT OF INFORMATION TECHNOLOGY PLANS, POLICIES, PROCEDURES, PROTOCOLS AND STANDARDS FOR STATE GOVERNMENT, INCLUDING HARDWARE, SOFTWARE, SERVICES AND OPERATIONS;

(B) OVERSEE AND COORDINATE THE DEVELOPMENT, ACQUISITION, DEPLOYMENT AND MANAGEMENT OF INFORMATION TECHNOLOGY RESOURCES FOR STATE GOVERNMENT;

(C) COORDINATE AND FACILITATE INFORMATION SHARING BETWEEN AND AMONG STATE GOVERNMENT, LOCAL GOVERNMENTS, OTHER STATES, THE FEDERAL GOVERNMENT, OTHER TECHNOLOGY-RELATED PUBLIC AND PRIVATE ENTITIES AND INSTITUTIONS OF HIGHER LEARNING TO PROMOTE THE USE AND DEPLOYMENT OF INFORMATION TECHNOLOGY THAT WILL IMPROVE THE DELIVERY OF GOVERNMENT SERVICES;

(D) WORK WITH STATE GOVERNMENT, LOCAL GOVERNMENTS, THE FEDERAL GOVERNMENT, OTHER TECHNOLOGY-RELATED PUBLIC AND PRIVATE ENTITIES, INSTITUTIONS OF HIGHER LEARNING AND PRIVATE ENTERPRISES TO FURTHER THE STATE'S ENTERPRISE STRATEGIC TECHNOLOGY PLAN;

(E) DEVELOP STRATEGIES TO IMPROVE THE STATE WORKFORCE'S ABILITY TO EMPLOY NEEDED INFORMATION TECHNOLOGIES, AND OVERSEE AND COORDINATE THE IMPLEMENTATION OF SUCH STRATEGIES; AND

(F) DEVELOP, IN CONSULTATION WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT, EDUCATION DEPARTMENT, DEPARTMENT OF LABOR, DEPARTMENT OF STATE, DEPARTMENT OF PUBLIC SERVICE AND OTHER STATE AGENCIES, PUBLIC AUTHORITIES, LOCAL GOVERNMENTS, FEDERAL GOVERNMENT, PUBLIC AND PRIVATE EDUCATIONAL INSTITUTIONS, AND OTHER PUBLIC AND PRIVATE ENTITIES, OPPORTUNITIES FOR CITIZENS, BUSINESSES AND COMMUNITIES ACROSS THE STATE THROUGH THE USE OF INFORMATION TECHNOLOGY FOR WORKFORCE DEVELOPMENT AND TO ENHANCE EDUCATIONAL AND ECONOMIC OPPORTUNITIES.

7. ALL REFERENCES IN LAW AND REGULATION TO THE OFFICE FOR TECHNOLOGY AND THE DIRECTOR OF THE OFFICE FOR TECHNOLOGY SHALL BE DEEMED TO BE REFERENCES TO THE OFFICE OF THE CHIEF INFORMATION OFFICER AND THE CHIEF INFORMATION OFFICER, RESPECTIVELY.

8. THE OFFICE OF THE CHIEF INFORMATION OFFICER SHALL, ON THE EFFECTIVE DATE OF THIS ACT, BE AUTOMATICALLY AND WITHOUT FURTHER PROCESS CONSIDERED A SUCCESSOR IN INTEREST TO, AND ASSUME ALL RIGHTS AND RESPONSIBILITIES OF, THE OFFICE FOR TECHNOLOGY UNDER ANY CONTRACTS, SERVICE LEVEL AGREEMENTS, SITE LICENSE AGREEMENTS, LEASES, PERMITS, MEMORANDA OF UNDERSTANDING, AND ALL OTHER SUCH DOCUMENTS, AS WELL AS ANY LEAD AGENCY DESIGNATIONS UNDER, BUT NOT LIMITED TO, THE STATE ENVIRONMENTAL QUALITY REVIEW ACT.

S 4. Section 103 of the state technology law, as added by chapter 430 of the laws of 1997, subdivisions 12, 12-a and 12-b as added by section 1 of part B of chapter 56 of the laws of 2000, subdivision 17 as added by chapter 4 of the laws of 1999 and such section as renumbered by chapter 437 of the laws of 2004, is amended to read as follows:

S 103. Functions, powers and duties of the office. The office shall have the following functions, powers and duties:

1. To act as the official state planning and coordinating office for the advancement of technology to improve government efficiency and effectiveness, and perform all necessary and appropriate services required to fulfill these duties;

2. To advise and assist [the] state agencies in developing STRATEGIC AND OPERATIONAL policies, plans and programs for improving the statewide coordination, administration, [security,] confidentiality, program effectiveness, acquisition and deployment of [technology] TECHNOLOGIES WHICH ALIGN THE POLICIES AND STRATEGIES DEVELOPED BY THE OFFICE;

3. To perform technology reviews and make recommendations for improving management and program effectiveness pertaining to technology ACQUISITION, DEPLOYMENT AND OPERATIONS;

4. To review and coordinate the purchase of technology by state agencies AS SET FORTH IN POLICIES AND PROCEDURES FOR PLANS TO PROCURE TECHNOLOGY. Where applicable, such review shall include but not be limited to: assessing consistency with the statewide strategic technology plan and agency technology [plan] PLANS; statewide technology standards; the

safeguarding of information privacy[; security] of confidential records; [and] proper dissemination of public information; AND DISASTER RECOVERY PLANNING;

5. To establish, oversee, manage, coordinate and facilitate the planning, design [and], implementation, DEVELOPMENT AND USE of the state's common technology networks;

6. To undertake research, studies and analyses, and act as a central repository, clearinghouse and disseminator of research studies, with respect to technology;

7. To facilitate and coordinate the improvement of program delivery services through technology with and among other departments, divisions and agencies of the state, AND its [political subdivisions and municipalities] LOCAL GOVERNMENTS;

7-A. TO PROVIDE TECHNOLOGY SERVICES, WHEN REQUESTED TO (A) STATE AGENCIES, (B) LOCAL GOVERNMENTS, (C) PRIVATE ENTITIES TO THE EXTENT NOT OTHERWISE PROHIBITED BY LAW AND (D) ANY OTHER BRANCHES OF STATE GOVERNMENT;

8. To encourage and foster the exchange of and increase access to information within and among STATE AGENCIES, LOCAL GOVERNMENTS, THE FEDERAL GOVERNMENT, public and private entities and individuals AND INSTITUTIONS OF HIGHER LEARNING in order to improve the delivery of state programs and services of the state;

9. To undertake technology projects with a statewide or multi-agency impact and, where appropriate, designate agencies to act as lead agency for the project;

10. To establish statewide [technology policies, including but not limited to preferred technology standards and security] POLICIES, STANDARDS AND PROGRAMS CONCERNING THE IMPLEMENTATION AND OPERATIONS OF TECHNOLOGY ACROSS THE STATE ENTERPRISE INCLUDING LOCAL GOVERNMENTS, AND TO PROVIDE FOR THE SECURITY OF STATE INFORMATION TECHNOLOGY ASSETS MANAGED BY THE OFFICE IN ACCORDANCE WITH POLICIES, PROTOCOLS AND PROCEDURES ESTABLISHED BY THE OFFICE OF CYBER SECURITY AND CRITICAL INFRASTRUCTURE COORDINATION WHEN APPLICABLE;

11. To adopt, amend, or rescind rules and regulations necessary or convenient to the performance of the functions, powers and duties of the office pursuant to the state administrative procedure act;

12. [To complete a comprehensive study of existing state information resource technology infrastructure to the extent that the information is available.

Such study shall include, but not be limited to, inventories of:

(a) state operations' computer hardware and software;

(b) major physical infrastructures supporting existing operations, including power, air conditioning, space and other environmental needs;

(c) the telecommunications and other networks supporting existing operations;

(d) personnel associated with existing operations and management;

(e) expected retirement schedule of existing computer hardware and software and replacement costs; and

(f) data processing consulting and contracting services utilized.

Such study shall be completed and submitted to the governor, the temporary president of the senate and the speaker of the assembly on or before October first, two thousand two. The office shall provide interim reports on October first, two thousand and October first, two thousand one.

12-a.] To develop:

(a) a methodology to ascertain how much the state spends on technology goods and services;

(b) a process to PERIODICALLY update the STATEWIDE computer hardware and software inventory [periodically], TO BE CONDUCTED AT LEAST ONCE EVERY THREE YEARS COMMENCING FROM THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TEN WHICH AMENDED THIS PARAGRAPH;

(c) a methodology to determine the expected life-cycle of state operations' computer hardware and software which shall include the total cost of ownership; and

(d) formal BUSINESS CONTINUITY AND disaster recovery plans for the state data center FACILITIES, INCLUDING THE ENTERPRISE TECHNOLOGY CENTER, and statewide [network] VOICE AND DATA, WIRED OR WIRELESS NETWORKS, NY e-net, FUTURE NETWORKS AND DATA CENTERS OR COMPUTING OPERATIONS AND SERVICES OF ANY SIZE AND TYPE; such plans shall be confidential.

Such developments shall be completed and submitted to the governor, the temporary president of the senate and the speaker of the assembly on [or before October first, two thousand three] A PERIODIC BASIS AS UPDATES ARE REQUESTED OR REQUIRED.

[12-b.] 12-A. To request and shall receive from any department, division, board, commission or other agency of the state any information and resources necessary to carry out the responsibilities and provisions set forth in [subdivisions] SUBDIVISION twelve [and twelve-a] of this section.

13. To establish a multi-year statewide [strategy] ENTERPRISE STRATEGIC plan covering a time period of not less than three years to promote and coordinate interagency AND INTERGOVERNMENTAL technology efforts and initiatives that conform to the state's overarching programmatic [policy] STRATEGIC PRIORITIES AND POLICIES, under which state agencies shall develop their information TECHNOLOGY resource management STRATEGIES AND OPERATIONAL plans AS SUBPLANS TO THE STATE'S ENTERPRISE STRATEGIC PLAN. Such [plan] SUBPLANS shall be ADDENDA TO THE STATE'S ENTERPRISE STRATEGIC PLAN, AND THE PLAN SHALL BE submitted to the governor, the temporary president of the senate and the speaker of the assembly upon completion on or before October first, two thousand. Such plan shall be updated as needed, but not less than once every three years;

14. To coordinate state budget submission to address known year two thousand conversion issues;

15. To conduct selective evaluations of technology activities in state agencies; [and]

16. To perform such acts, directly or by other means, as are necessary or convenient to carry out the office's functions, powers and duties[.];

17. To enter into contracts with any person, firm, corporation, not-for-profit corporation, [political subdivision of the state,] or governmental entity[.];

18. TO ESTABLISH A NEW YORK STATE WEB PORTAL AND APPROPRIATE ELECTRONIC GOVERNMENT POLICIES TO ENSURE THE MOST EFFECTIVE USE OF INTERNET TECHNOLOGY TO IMPROVE SERVICE TO CITIZENS, BUSINESSES AND VISITORS TO THE STATE; AND

19. TO OVERSEE AND COORDINATE THE DEPLOYMENT OF BROADBAND INTERNET ACCESS AROUND THE STATE.

S 5. Sections 104 and 105 of the state technology law are REPEALED and a new section 104 is added to read as follows:

S 104. STATEWIDE TECHNOLOGY PLANNING AND OVERSIGHT. 1. (A) THE OFFICE, IN CONJUNCTION WITH THE DIVISION OF THE BUDGET, SHALL HAVE THE RESPONSIBILITY TO REVIEW, ON NO LESS THAN AN ANNUAL BASIS, THE TECHNOLOGY PLANS

AND USAGE OF ALL STATE AGENCIES, AS DEFINED IN SECTION ONE HUNDRED ONE OF THIS ARTICLE, FOR COMPLIANCE WITH THE STATEWIDE ENTERPRISE INFORMATION TECHNOLOGY STRATEGIC PLAN AND ANY OTHER STATEWIDE TECHNOLOGY POLICY SET BY THE OFFICE. THE OFFICE SHALL HAVE THE AUTHORITY TO REQUIRE STATE AGENCIES TO PROVIDE ANY ASSISTANCE AND INFORMATION REGARDING TECHNOLOGY PLANS AND STRATEGIES (INCLUDING PLANNED FUTURE INITIATIVES), TECHNOLOGY UTILIZATION AND DISTRIBUTION OF RESOURCES WITHIN THE STATE AGENCY, TECHNOLOGY PROCUREMENT AND MANAGEMENT OF THE INFORMATION TECHNOLOGY WORKFORCE NECESSARY OR USEFUL TO EVALUATING SUCH COMPLIANCE.

(B) AS PART OF THIS ANNUAL REVIEW, THE OFFICE SHALL BE RESPONSIBLE FOR REVIEWING THE MANAGEMENT OF THE INFORMATION TECHNOLOGY WORKFORCE IN EACH STATE AGENCY, INCLUDING IDENTIFYING THE FULL NUMBER, VALUE, AND PROVIDED SERVICES OF OUTSIDE CONTRACTS FOR TECHNOLOGY SERVICES; THE FULL NUMBER, PERSONAL SERVICE COST, AND PROVIDED SERVICES OF PUBLIC EMPLOYEES WITHIN THE STATE AGENCY PROVIDING TECHNOLOGY SERVICES; A LISTING OF THE INTERNAL AND EXTERNAL TRAINING OPPORTUNITIES AND FUNDING FOR TECHNOLOGY STAFF, AND THE EXTENT TO WHICH IT WAS UTILIZED; AND A LISTING AND DESCRIPTION OF ALL KNOWLEDGE TRANSFER PROVISIONS BETWEEN OUTSIDE VENDORS AND STATE EMPLOYEES, AND AN EVALUATION OF WHETHER THOSE PROVISIONS WERE MET.

2. ANY STATE AGENCY THAT INITIATES A PLAN TO PROCURE TECHNOLOGY OR TECHNOLOGY-RELATED SERVICES OF MORE THAN ONE HUNDRED THOUSAND DOLLARS IN VALUE MUST NOTIFY THE OFFICE AT THE TIME WHEN THE SCOPE OF SUCH PROCUREMENT IS FIRST DEFINED AND INTERNAL PROCUREMENT DEVELOPMENT IS INITIATED. THE OFFICE, IN CONJUNCTION WITH THE DIVISION OF THE BUDGET, SHALL HAVE THE RESPONSIBILITY TO REVIEW ANY SUCH PROCUREMENT FOR CONSISTENCY WITH THE STATEWIDE ENTERPRISE INFORMATION TECHNOLOGY STRATEGIC PLAN, THE MOST RECENT TECHNOLOGY PLAN SUBMITTED BY THE STATE AGENCY TO THE OFFICE, AND ANY OTHER STATEWIDE TECHNOLOGY POLICY SET BY THE OFFICE. IN ADDITION, THE OFFICE SHALL REVIEW THE PROCUREMENT IN THE CONTEXT OF OTHER TECHNOLOGY PROCUREMENTS IN ORDER TO IDENTIFY ANY OPPORTUNITIES TO UTILIZE CENTRALIZED OR ENTERPRISE CONTRACT VEHICLES OR AGGREGATE TECHNOLOGY PURCHASES FROM DISPARATE STATE AGENCIES WHERE APPROPRIATE.

S 6. The state technology law is amended by adding a new article 5 to read as follows:

ARTICLE V

INFORMATION TECHNOLOGY GOVERNANCE

SECTION 501. ENTERPRISE EXECUTIVE GOVERNANCE BOARD.

502. INFORMATION TECHNOLOGY INVESTMENT BOARD.

S 501. ENTERPRISE EXECUTIVE GOVERNANCE BOARD. 1. THERE IS HEREBY ESTABLISHED AN ENTERPRISE EXECUTIVE GOVERNANCE BOARD TO OVERSEE TECHNOLOGY POLICY IN THE STATE. THE BOARD SHALL BE COMPOSED OF NINE MEMBERS OR THEIR DESIGNEES: THE DIRECTOR OF STATE OPERATIONS, WHO SHALL SERVE AS THE CHAIR, THE ATTORNEY GENERAL, THE STATE COMPTROLLER, THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK, ONE APPOINTEE BY THE SPEAKER OF THE ASSEMBLY, ONE APPOINTEE BY THE TEMPORARY PRESIDENT OF THE SENATE AND THREE APPOINTEES BY THE GOVERNOR. THE GOVERNOR'S APPOINTMENTS SHALL BE SELECTED FROM THE COMMISSIONERS OF STATE AGENCIES. THE CHIEF INFORMATION OFFICER AND THE CHAIR OF THE CHIEF INFORMATION OFFICER ADVISORY COUNCIL SHALL BE EX-OFFICIO MEMBERS OF THE BOARD BUT HAVE NO VOTING PRIVILEGES.

2. THE MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

3. THE BOARD SHALL MEET AT LEAST ONCE EVERY SIX MONTHS, AND MAY BE CONVENED AT OTHER TIMES BY JOINT AGREEMENT OF THE CHIEF INFORMATION OFFICER AND THE CHAIR. SIX VOTING MEMBERS OF THE BOARD MUST BE PRESENT

FOR A QUORUM TO CONDUCT ANY BINDING VOTES OR TO APPROVE ANY BOARD REPORTS.

4. THE BOARD SHALL HAVE THE FOLLOWING FUNCTIONS, POWERS AND DUTIES:

(A) TO REVIEW AND APPROVE STATE ENTERPRISE INFORMATION TECHNOLOGY POLICIES, INCLUDING THE STATEWIDE INFORMATION TECHNOLOGY STRATEGIC PLAN AS ISSUED BY THE CHIEF INFORMATION OFFICER;

(B) TO REVIEW AND APPROVE ANY STATEWIDE PLAN FOR THE FURTHER DEVELOPMENT AND IMPROVEMENT OF THE STATE'S TECHNOLOGY ACQUISITIONS, INCLUDING THE ACTIVITIES AND DECISIONS OF THE INFORMATION TECHNOLOGY INVESTMENT BOARD AS CREATED IN SECTION FIVE HUNDRED TWO OF THIS ARTICLE;

(C) TO REQUEST SURVEYS AND REPORTS TO BE COMPLETED BY THE CHIEF INFORMATION OFFICER TO CARRY OUT ANY OF THE OBJECTIVES AND PURPOSES OF THIS ARTICLE; AND

(D) TO PERFORM SUCH OTHER ACTS AS MAY BE ASSIGNED BY THE CHAIR WHICH ARE NECESSARY OR APPROPRIATE TO CARRY OUT THE FUNCTIONS OF THE BOARD.

5. THE BOARD MAY REQUEST AND RECEIVE FROM THE OFFICE OF THE CHIEF INFORMATION OFFICER, AS WELL AS ANY OTHER STATE AGENCY OR ANY LOCAL GOVERNMENT AS DEFINED IN SECTION ONE HUNDRED ONE OF THIS CHAPTER, ANY ASSISTANCE, INFORMATION AND RESOURCES AS WILL ENABLE THE BOARD TO PROPERLY CARRY OUT ITS FUNCTIONS, POWERS AND DUTIES.

6. THE BOARD SHALL SUBMIT A REPORT TO THE GOVERNOR, SPEAKER OF THE ASSEMBLY, AND TEMPORARY PRESIDENT OF THE SENATE NO LATER THAN THE FIFTEENTH DAY OF FEBRUARY OF EACH YEAR. SUCH A REPORT SHALL INCLUDE A SUMMARY OF ITS ACTIVITIES AND DECISIONS, EVALUATION OF THE STATE'S ENTERPRISE INFORMATION TECHNOLOGY STRATEGIC PLAN, RECOMMENDATIONS FOR LEGISLATIVE AND EXECUTIVE ACTION TO IMPLEMENT THAT PLAN AND OTHERWISE ADVANCE SOUND INFORMATION TECHNOLOGY PUBLIC POLICY THROUGHOUT THE STATE, AND A SUMMARY OF ALL EXPENDITURES APPROVED BY ITSELF AND THE INFORMATION TECHNOLOGY INVESTMENT BOARD.

S 502. INFORMATION TECHNOLOGY INVESTMENT BOARD. 1. THERE IS HEREBY ESTABLISHED AN INFORMATION TECHNOLOGY INVESTMENT BOARD TO OVERSEE MAJOR TECHNOLOGY PROCUREMENTS IN THE STATE. THE BOARD SHALL BE COMPOSED OF ELEVEN MEMBERS OR THEIR DESIGNEES: THE DIRECTOR OF STATE OPERATIONS, WHO SHALL SERVE AS THE CHAIR, THE STATE COMPTROLLER, THE CHIEF INFORMATION OFFICER, THE DIRECTOR OF THE DIVISION OF THE BUDGET, THE COMMISSIONER OF GENERAL SERVICES, TWO APPOINTEES BY THE SPEAKER OF THE ASSEMBLY, TWO APPOINTEES BY THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIR OF THE CHIEF INFORMATION OFFICER ADVISORY COUNCIL, AND A REPRESENTATIVE, APPOINTED BY THE GOVERNOR, OF AN ORGANIZATION OF LOCAL GOVERNMENT INFORMATION TECHNOLOGY DIRECTORS.

2. THE MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

3. THE BOARD SHALL MEET AT LEAST ONCE EVERY THREE MONTHS, AND MAY BE CONVENED AT OTHER TIMES BY JOINT AGREEMENT OF THE CHIEF INFORMATION OFFICER AND THE CHAIR. EIGHT VOTING MEMBERS OF THE BOARD MUST BE PRESENT FOR A QUORUM TO CONDUCT ANY BINDING VOTES OR TO APPROVE ANY BOARD REPORTS.

4. THE BOARD SHALL HAVE THE FOLLOWING FUNCTIONS, POWERS AND DUTIES:

(A) TO REVIEW AND APPROVE ANY MAJOR STATEWIDE INFORMATION TECHNOLOGY INITIATIVE WITH A TOTAL COST OF MORE THAN TEN MILLION DOLLARS;

(B) TO REQUEST SURVEYS AND REPORTS TO BE COMPLETED BY THE CHIEF INFORMATION OFFICER TO CARRY OUT ANY OF THE OBJECTIVES AND PURPOSES OF THIS SECTION; AND

(C) TO PERFORM SUCH OTHER ACTS AS MAY BE ASSIGNED BY THE CHAIR WHICH ARE NECESSARY OR APPROPRIATE TO CARRY OUT THE FUNCTIONS OF THE BOARD.

5. THE BOARD MAY REQUEST AND RECEIVE FROM THE OFFICE OF THE CHIEF INFORMATION OFFICER, AS WELL AS ANY OTHER STATE AGENCY OR ANY LOCAL GOVERNMENT AS DEFINED IN SECTION ONE HUNDRED ONE OF THIS CHAPTER, ANY ASSISTANCE, INFORMATION, AND RESOURCES AS WILL ENABLE THE BOARD TO PROPERLY CARRY OUT ITS FUNCTIONS, POWERS AND DUTIES.

6. THE BOARD SHALL SUBMIT A REPORT TO THE ENTERPRISE EXECUTIVE GOVERNANCE BOARD CONTAINING A SUMMARY OF ALL EXPENDITURES IT HAS APPROVED OR DENIED WITHIN FIFTEEN DAYS OF ANY OFFICIAL MEETING OR VOTE OF THE BOARD.

S 7. Subdivision 4 of section 163 of the state finance law is amended by adding a new paragraph f to read as follows:

F. ALL CONTRACTS FOR TECHNOLOGY CONSULTING SERVICES MUST PROVIDE A SPECIFIC IMPLEMENTATION PLAN FOR KNOWLEDGE TRANSFER AND TRAINING FOR EXISTING STATE EMPLOYEES BY THE CONTRACTOR, INCLUDING BENCHMARKS TO MEASURE PROGRESS IN SUCH TRANSFER AND TRAINING AND A WORKFORCE PLANNING DOCUMENT TO DEMONSTRATE HOW PERSONNEL RESOURCES SHALL BE DEPLOYED BY THE AGENCY TO MAKE SUCH TRANSFER POSSIBLE.

S 8. Subdivision 4 of section 163-a of the state finance law, as amended by chapter 437 of the laws of 2004, is amended to read as follows:

4. The state agency together with the office [for technology] OF THE CHIEF INFORMATION OFFICER determines that the restriction is not in the best interest of the state. Such office shall notify each member of the [advisory council] ENTERPRISE EXECUTIVE GOVERNANCE BOARD AND INFORMATION TECHNOLOGY INVESTMENT BOARD established in article [one] FIVE of the state technology law of any such waiver of these restrictions.

S 9. This act shall take on the thirtieth day after it shall have become a law; provided, however, that sections five, six, seven and eight of this act shall take effect on the ninetieth day after it shall have become a law; provided further, however, that the amendments to subdivision 4 of section 163 of the state finance law made by section seven of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith.