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

4833

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. MORELLE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to directing the division of criminal justice services to develop and provide for the operation of a uniform statewide higher education emergency notification system

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 837-s to read as follows:

S 837-S. UNIFORM STATEWIDE HIGHER EDUCATION EMERGENCY NOTIFICATION SYSTEM. 1. FOR THE PURPOSES OF THIS SECTION:

(A) "HIGHER EDUCATION" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM BY SUBDIVISION EIGHT OF SECTION TWO OF THE EDUCATION LAW.

(B) "WIRELESS COMMUNICATIONS DEVICE" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM BY SUBDIVISION NINE OF SECTION THREE HUNDRED ONE OF THE COUNTY LAW.

(C) "WIRELESS COMMUNICATIONS SERVICE SUPPLIER" SHALL HAVE THE SAME MEANING AS IS ASCRIBED TO SUCH TERM BY SUBDIVISION TWELVE OF SECTION THREE HUNDRED ONE OF THE COUNTY LAW.

2. THE DIVISION, IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, PUBLIC SERVICE COMMISSION AND THE OFFICE FOR TECHNOLOGY, SHALL DEVELOP AND PROVIDE FOR THE OPERATION OF A UNIFORM STATEWIDE HIGHER EDUCATION EMERGENCY NOTIFICATION SYSTEM. EACH INSTITUTION OF HIGHER EDUCATION SHALL HAVE THE SOLE DISCRETION AND RESPONSIBILITY OF DETERMINING WHEN AN ALERT WILL BE ISSUED. THE PURPOSE OF SUCH SYSTEM SHALL BE TO:

(A) PROVIDE FOR A UNIFORM ELECTRONIC DATABASE, TO BE MAINTAINED BY EACH INSTITUTION OF HIGHER EDUCATION, OF THE ELECTRONIC ADDRESS AND WIRELESS COMMUNICATIONS DEVICE NUMBER OF EACH FACULTY MEMBER AND STUDENT OF SUCH INSTITUTION;

(B) REQUIRE THE SERVICE PROVIDER, WHICH HAS ENTERED INTO A CONTRACT WITH THE DIVISION, TO PROVIDE A FACILITY THROUGH WHICH EACH INSTITUTION

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

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OF HIGHER EDUCATION CAN MAINTAIN THE ACCURACY OF ITS ELECTRONIC DATABASE SO MESSAGES CAN BE SENT IMMEDIATELY AFTER AN EMERGENCY IS DECLARED. THE SERVICE PROVIDER SHALL BE RESPONSIBLE FOR THE SECURITY AND RELIABILITY OF THE UNIFORM STATEWIDE HIGHER EDUCATION EMERGENCY NOTIFICATION SYSTEM AND SHALL ENSURE THE UNIFORMITY AND COMPLIANCE THEREOF AS DETERMINED BY THE DIVISION;

(C) IN THE CASE OF AN EMERGENCY AT AN INSTITUTION OF HIGHER EDUCATION, SUCH INSTITUTION WILL SUBMIT ITS ALERT THROUGH THE EMERGENCY NOTIFICATION SYSTEM PROVIDED BY THE SERVICE PROVIDER, WHICH HAS ENTERED INTO A CONTRACT WITH THE DIVISION; AND

(D) TRANSMIT AN APPROPRIATE EMERGENCY ELECTRONIC MESSAGE TO EACH ELECTRONIC ADDRESS AND WIRELESS COMMUNICATIONS DEVICE NUMBER FROM THE DATABASE, AND SHALL TRANSMIT AN APPROPRIATE EMERGENCY VOICE MESSAGE TO EACH WIRELESS COMMUNICATIONS DEVICE NUMBER.

3. THE COMMISSIONER SHALL ESTABLISH SUCH STANDARDS AND REQUIREMENTS, AS HE OR SHE SHALL DETERMINE TO BE APPROPRIATE AND NECESSARY, FOR SERVICE PROVIDERS WHICH WILL BE ELIGIBLE TO BID ON AND PERFORM THE REQUIREMENTS OF THE CONTRACT FOR THE EMERGENCY NOTIFICATION OF THE STUDENTS AND FACULTIES OF INSTITUTIONS OF HIGHER EDUCATION. SUCH STANDARDS AND REQUIREMENTS SHALL BE INCLUDED IN THE REQUEST FOR PROPOSALS FOR SUCH CONTRACT. THE SERVICE PROVIDER AWARDED SUCH CONTRACT SHALL PROVIDE FOR THE INSTALLATION AND OPERATION OF THE EMERGENCY NOTIFICATION SYSTEM SUBJECT TO THE RULES AND REGULATIONS OF THE DIVISION.

4. THE DIVISION SHALL ESTABLISH AND ENFORCE RULES AND REGULATIONS REQUIRING EVERY INSTITUTION OF HIGHER EDUCATION TO MAINTAIN AND UPDATE ITS ELECTRONIC DATABASE IN A TIMELY MANNER. FURTHERMORE, THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS PROVIDING FOR THE PERIODIC TESTING OF THE EMERGENCY NOTIFICATION SYSTEM ESTABLISHED PURSUANT TO THIS SECTION TO ENSURE THAT IT REMAINS IN CONSTANT READINESS AND EFFECTIVENESS.

5. NO WIRELESS COMMUNICATIONS SERVICE SUPPLIER SHALL IMPOSE ANY FEE OR CHARGE UPON THE OWNER OF ANY WIRELESS COMMUNICATIONS DEVICE WHICH IN ANY MANNER RELATES TO THE RECEIPT OF AN EMERGENCY NOTIFICATION PURSUANT TO THIS SECTION.

6. THE DIVISION SHALL CONSULT WITH AND PROVIDE ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION FOR THE PURPOSE OF INTEGRATING THE DISSEMINATION OF EMERGENCY NOTIFICATIONS BY MEANS OF THE OTHER PUBLIC INFORMATION SYSTEMS AVAILABLE AT THE CAMPUS OF EACH SUCH INSTITUTION.

S 2. This act shall take effect immediately, provided that the uniform statewide higher education emergency notification system shall be fully operational within one hundred eighty days of the effective date of this act.