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:

Section 1. Article 4 of the state technology law, as added by section 1 of part E of chapter 1 of the laws of 2004, such article as renumbered by chapter 741 of the laws of 2005, section 403 as added by section 1 of part G of chapter 56 of the laws of 2007, is amended to read as follows:

ARTICLE IV

STATEWIDE [WIRELESS NETWORK] INTEROPERABILITY ADVISORY COUNCIL

Section 401. Statewide [wireless network] INTEROPERABILITY advisory council.

402. Powers and duties of advisory council.

403. Annual reports of costs related to [the] A statewide [wireless network] INTEGRATED AND INTEROPERABLE COMMUNICATIONS SYSTEM.

S 401. Statewide [wireless network] INTEROPERABILITY advisory council. There is hereby established within the office for technology a statewide [wireless network] INTEROPERABILITY advisory council. The advisory council shall consist of [twenty-seven] TWENTY-EIGHT members. The governor shall appoint [two] THREE members and the temporary president of the senate and the speaker of the assembly shall each appoint four members. 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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OFFICER OF A NEW YORK STATE COUNTY OR THEIR DESIGNEE. One of the governor's appointments and three of the appointments of the temporary president of the senate and of the speaker of the assembly shall be a member, officer, or employee of a first responder organization that serves a municipal corporation. One each of the appointments of the temporary president of the senate and of the speaker of the assembly shall possess expertise in the field of communications technology but no appointee shall be the owner, principal, or employee of an entity that has a contract with the state of New York or that vends communications products to any state or local government. An organization shall be considered a first responder organization if it provides policing, firefighting, or emergency medical services, as defined in subdivision eleven of section three hundred two of the retirement and social security law, subdivision two of section one hundred of the general municipal law, subdivisions one, two, three, four, five, six, and seven of section three thousand one of the public health law, and section six hundred fifty of the county law. In addition, the temporary president of the senate and the speaker of the assembly shall each designate one member of their respective houses to serve on the advisory council. Ex officio members of the council shall be the director of the office of homeland security, THE HEAD OF THE DIVISION OF MILITARY AND NAVAL AFFAIRS, THE DIRECTOR OF THE STATE EMERGENCY MANAGEMENT OFFICE, the superintendent of the state police, [the director of the office for technology,] THE CHIEF INFORMATION OFFICER OF NEW YORK STATE, THE COMMISSIONER OF PARKS, RECREATION AND HISTORIC PRESERVATION, the commissioner of the department of health, the commissioner of the department of correctional services, the commissioner of the department of transportation, the commissioner of the department of environmental conservation, the chairperson of the thruway authority, the state fire administrator of the office of fire prevention and control, the chief judge of the state, the commissioner of the division of criminal justice services, the chairperson of the metropolitan transportation authority, a designee of the law enforcement council and the designee of the mayor of the city of New York, or their designees. The chief information officer of New York state AND THE SUPERINTENDENT OF THE STATE POLICE shall [be the chair of] CO-CHAIR the advisory council.

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

(a) To assist in the development and implementation of an integrated AND INTEROPERABLE statewide communications system, using the most effective technology currently available, that would link state and local first responders to each other and allow them to communicate reliably during emergency situations and that would ensure that all first responders would have both access to and the capability to participate in the system;

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

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

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

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

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

2. The advisory council shall meet as necessary to carry out its functions and duties. THE CO-CHAIRS OF THE ADVISORY COUNCIL MAY APPOINT WORKING GROUPS CONSISTING OF MEMBERS OF THE ADVISORY COUNCIL OR THEIR DESIGNEES OR OTHER REPRESENTATIVES OF PUBLIC OR PRIVATE ENTITIES TO ADVISE AND ASSIST THE ADVISORY COUNCIL IN CARRYING OUT ITS FUNCTIONS, POWERS AND DUTIES, AS THE CO-CHAIRS DEEM NECESSARY; PROVIDED, HOWEVER, THAT NO APPOINTEE SHALL BE THE OWNER, PRINCIPAL, OR EMPLOYEE OF AN ENTITY THAT HAS A CONTRACT WITH THE STATE OF NEW YORK OR THAT VENDS COMMUNICATIONS PRODUCTS TO ANY STATE OR LOCAL GOVERNMENT. Members of the advisory council OR WORKING GROUPS shall receive no compensation for their services [as members] but shall be allowed their actual and necessary expenses incurred in the performance of their duties. The office for technology shall provide the staff and support necessary for the advisory council OR WORKING GROUPS to carry out its duties and responsibilities.

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

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

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

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

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

S 2. This act shall take effect immediately.