

3715

2009-2010 Regular Sessions

I N S E N A T E

March 30, 2009

Introduced by Sen. PARKER -- (at request of the Office for Technology)  
-- read twice and ordered printed, and when printed to be committed to  
the Committee on Energy and Telecommunications

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

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:

ARTICLE IV

STATEWIDE [WIRELESS NETWORK ADVISORY COUNCIL]

INTEROPERABILITY EXECUTIVE COMMITTEE

8 Section 401. Statewide [wireless network advisory council] INTEROPERABILITY  
9 EXECUTIVE COMMITTEE.

10 402. Powers and duties of [advisory council] EXECUTIVE  
11 COMMITTEE.

12 403. Annual reports of costs related to [the] A statewide [wire-  
13 less network] INTEGRATED AND INTEROPERABLE COMMUNICATIONS  
14 SYSTEM.

15 S 401. Statewide [wireless network advisory council] INTEROPERABILITY  
16 EXECUTIVE COMMITTEE. There is hereby established within the office for  
17 technology a statewide [wireless network advisory council] INTEROPERABILITY  
18 EXECUTIVE COMMITTEE. The [advisory council] EXECUTIVE COMMITTEE  
19 shall consist of [twenty-seven] TWENTY-EIGHT members. The governor shall  
20 appoint two members and the temporary president of the senate and the  
21 speaker of the assembly shall each appoint four members. One of the  
22 governor's appointments and three of the appointments of the temporary  
23 president of the senate and of the speaker of the assembly shall be a

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

LBD09599-02-9

1 member, officer, or employee of a first responder organization that  
2 serves a municipal corporation. One each of the appointments of the  
3 temporary president of the senate and of the speaker of the assembly  
4 shall possess expertise in the field of communications technology but no  
5 appointee shall be the owner, principal, or employee of an entity that  
6 has a contract with the state of New York or that vends communications  
7 products to any state or local government. An organization shall be  
8 considered a first responder organization if it provides policing, fire-  
9 fighting, or emergency medical services, as defined in subdivision elev-  
10 en of section three hundred two of the retirement and social security  
11 law, subdivision two of section one hundred of the general municipal  
12 law, subdivisions one, two, three, four, five, six, and seven of section  
13 three thousand one of the public health law, and section six hundred  
14 fifty of the county law. In addition, the temporary president of the  
15 senate and the speaker of the assembly shall each designate one member  
16 of their respective houses to serve on the [advisory council] EXECUTIVE  
17 COMMITTEE. Ex officio members of the [council] EXECUTIVE COMMITTEE shall  
18 be the director of the office of homeland security, THE HEAD OF THE  
19 DIVISION OF MILITARY AND NAVAL AFFAIRS, THE DIRECTOR OF THE STATE EMER-  
20 GENCY MANAGEMENT OFFICE, the superintendent of the state police, [the  
21 director of the office for technology,] THE CHIEF INFORMATION OFFICER OF  
22 NEW YORK STATE, the commissioner of the department of health, the  
23 commissioner of the department of correctional services, the commission-  
24 er of the department of transportation, the commissioner of the depart-  
25 ment of environmental conservation, the chairperson of the thruway  
26 authority, the state fire administrator of the office of fire prevention  
27 and control, the chief judge of the state, the commissioner of the divi-  
28 sion of criminal justice services, the chairperson of the metropolitan  
29 transportation authority, a designee of the law enforcement council and  
30 the designee of the mayor of the city of New York, or their designees.  
31 The chief information officer of New York state AND THE SUPERINTENDENT  
32 OF THE STATE POLICE shall [be the chair of] CO-CHAIR the [advisory coun-  
33 cil] EXECUTIVE COMMITTEE.

34 S 402. Powers and duties of [advisory council] EXECUTIVE COMMITTEE. 1.  
35 The [advisory council] EXECUTIVE COMMITTEE shall have the following  
36 functions, powers, and duties:

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

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

50 (c) To examine and make recommendations [to the governor, the tempo-  
51 rary president of the senate, and the speaker of the assembly] regarding  
52 the availability and reliability of means by which residents of the  
53 state receive a timely response in all geographic areas of the state,  
54 including areas in which some communications technology functions unreli-  
55 ably, such as underground mass transit systems and remote or mountai-  
56 nous regions of the state, and to explore ways in which new technologies

1 may be introduced or enhanced so that such communications effectively  
2 lead to timely assistance; and

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

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

16 2. The [advisory council] EXECUTIVE COMMITTEE shall meet as necessary  
17 to carry out its functions and duties. THE CO-CHAIRS OF THE EXECUTIVE  
18 COMMITTEE MAY APPOINT WORKING GROUPS CONSISTING OF MEMBERS OF THE EXECU-  
19 TIVE COMMITTEE OR THEIR DESIGNEES OR OTHER REPRESENTATIVES OF PUBLIC OR  
20 PRIVATE ENTITIES TO ADVISE AND ASSIST THE EXECUTIVE COMMITTEE IN CARRY-  
21 ING OUT ITS FUNCTIONS, POWERS AND DUTIES, AS THE CO-CHAIRS DEEM NECES-  
22 SARY; PROVIDED, HOWEVER, THAT NO APPOINTEE SHALL BE THE OWNER, PRINCI-  
23 PAL, OR EMPLOYEE OF AN ENTITY THAT HAS A CONTRACT WITH THE STATE OF NEW  
24 YORK OR THAT VENDS COMMUNICATIONS PRODUCTS TO ANY STATE OR LOCAL GOVERN-  
25 MENT. Members of the [advisory council] EXECUTIVE COMMITTEE OR WORKING  
26 GROUPS shall receive no compensation for their services [as members] but  
27 shall be allowed their actual and necessary expenses incurred in the  
28 performance of their duties. The office for technology shall provide the  
29 staff and support necessary for the [advisory council] EXECUTIVE COMMIT-  
30 TEE to carry out its duties and responsibilities.

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

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

1 lists of the cities, towns, villages and fire districts within its boun-  
2 daries and submit the combined list to the office of the state comp-  
3 troller by January thirtieth. Any county wholly contained within a city  
4 need not report, if the city reports.

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

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

27 S 2. This act shall take effect immediately.