

3715--A

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I N S E N A T E

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Introduced by Sens. PARKER, HASSELL-THOMPSON, THOMPSON -- (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 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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

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

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

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

54 (c) To examine and make recommendations [to the governor, the tempo-
55 rary president of the senate, and the speaker of the assembly] regarding
56 the availability and reliability of means by which residents of the

1 state receive a timely response in all geographic areas of the state,
2 including areas in which some communications technology functions unre-
3 liably, such as underground mass transit systems and remote or mountai-
4 nous regions of the state, and to explore ways in which new technologies
5 may be introduced or enhanced so that such communications effectively
6 lead to timely assistance; and

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

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

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

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

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

1 services necessary for the county to participate in or gain access to
2 [the] A statewide [wireless network] INTEGRATED AND INTEROPERABLE COMMU-
3 NICATIONS SYSTEM. The county shall compile its list along with the lists
4 of the cities, towns, villages and fire districts within its boundaries
5 and submit the combined list to the office of the state comptroller by
6 January thirtieth. Any county wholly contained within a city need not
7 report, if the city reports.

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

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

29 S 2. This act shall take effect immediately.