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

5168

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law and the state technology law, in relation to an inventory, study and report by the office for technology on the use of information technology by public authorities and providing for the repeal of such provisions upon the expiration thereof

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

Section 1. The public authorities law is amended by adding a new section 2807 to read as follows:

S 2807. ANNUAL TECHNOLOGY REPORTS. EVERY PUBLIC AUTHORITY AND PUBLIC BENEFIT CORPORATION IS DEFINED BY SECTION FIVE HUNDRED TWO OF THE STATE TECHNOLOGY LAW, SHALL SUBMIT TO THE OFFICE FOR TECHNOLOGY ANNUAL TECHNOLOGY PLANS AND OTHER INFORMATION AS REQUIRED BY ARTICLE FIVE OF THE STATE TECHNOLOGY LAW.

S 2. The state technology law is amended by adding a new article 5 to read as follows:

ARTICLE V

PUBLIC AUTHORITY TECHNOLOGY INVENTORY ACT

SECTION 501. SHORT TITLE.
502. DEFINITIONS.
503. PUBLIC AUTHORITY TECHNOLOGY INVENTORY.
504. PUBLIC AUTHORITY ANNUAL TECHNOLOGY PLANS.
505. REPORTING.
506. COLLECTION OF INFORMATION.
507. CONFIDENTIALITY AND EXCEPTIONS.

S 501. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "PUBLIC AUTHORITY TECHNOLOGY INVENTORY ACT."

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

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S 502. DEFINITIONS. AS USED IN THIS ARTICLE THE FOLLOWING TERMS SHALL MEAN:

1. "STATE AUTHORITY" SHALL MEAN A PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPORATION CREATED BY OR EXISTING UNDER SECTION TWO OF THE PUBLIC AUTHORITIES LAW OR ANY OTHER LAW OF THE STATE OF NEW YORK, WITH ONE OR MORE OF ITS MEMBERS APPOINTED BY THE GOVERNOR OR WHO SERVE AS MEMBERS BY VIRTUE OF HOLDING A CIVIL OFFICE OF THE STATE, OTHER THAN AN INTERSTATE OR INTERNATIONAL AUTHORITY OR PUBLIC BENEFIT CORPORATION, INCLUDING SUBSIDIARIES OF SUCH PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPORATION.

2. "LOCAL AUTHORITY" SHALL MEAN (A) A PUBLIC AUTHORITY OR PUBLIC BENEFIT CORPORATION CREATED BY OR EXISTING UNDER THIS ARTICLE OR ANY OTHER LAW OF THE STATE OF NEW YORK WHOSE MEMBERS DO NOT HOLD A CIVIL OFFICE OF THE STATE, ARE NOT APPOINTED BY THE GOVERNOR OR ARE APPOINTED BY THE GOVERNOR SPECIFICALLY UPON THE RECOMMENDATION OF THE LOCAL GOVERNMENT OR GOVERNMENTS;

(B) A NOT-FOR-PROFIT CORPORATION AFFILIATED WITH, SPONSORED BY, OR CREATED BY A COUNTY, CITY, TOWN OR VILLAGE GOVERNMENT;

(C) A LOCAL INDUSTRIAL DEVELOPMENTAL AGENCY OR AUTHORITY OR OTHER LOCAL PUBLIC BENEFIT CORPORATION;

(D) AN AFFILIATE OF SUCH LOCAL AUTHORITY.

3. "INTERSTATE OR INTERNATIONAL AUTHORITY" SHALL MEAN AN INTERNATIONAL OR INTERSTATE PUBLIC AUTHORITY CREATED PURSUANT TO AGREEMENT OR COMPACT WITH ANOTHER STATE OR WITH A FOREIGN POWER, INCLUDING ANY AND ALL AFFILIATED OR SUBSIDIARIES.

4. "AFFILIATE" SHALL MEAN A CORPORATE BODY HAVING SUBSTANTIALLY THE SAME OWNERSHIP OR CONTROL AS ANOTHER CORPORATE BODY.

5. "SUBSIDIARY" SHALL NOT INCLUDE, FOR THE PURPOSES OF THIS ARTICLE, CORPORATIONS THAT HAVE BEEN CERTIFIED BY THE PARENT CORPORATION AS BEING INACTIVE FOR THE PAST TWELVE MONTHS, HAVING AN IDENTICAL BOARD OF ITS PARENT CORPORATION, OR NOT HAVING SEPARATE AND INDEPENDENT OPERATIONAL CONTROL.

6. "OFFICE" SHALL MEAN THE OFFICE FOR TECHNOLOGY.

7. "TECHNOLOGY" SHALL MEAN 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 BUT NOT LIMITED TO INFORMATION MANAGEMENT, EQUIPMENT, SOFTWARE, OPERATING SYSTEMS, INTERFACE SYSTEMS, INTERCONNECTED SYSTEMS, TELECOMMUNICATIONS, DATA MANAGEMENT, NETWORKS, AND NETWORK MANAGEMENT, CONSULTING, SUPPLIES, FACILITIES, MAINTENANCE AND TRAINING.

S 503. PUBLIC AUTHORITY TECHNOLOGY INVENTORY. 1. STATE AND LOCAL AUTHORITIES SHALL SUBMIT TO THE OFFICE AN ANNUAL COMPREHENSIVE INVENTORY OF EXISTING INFORMATION TECHNOLOGY INFRASTRUCTURE UTILIZED BY STATE AUTHORITIES, LOCAL AUTHORITIES AND THEIR SUBSIDIARIES OR AFFILIATES, TO THE EXTENT THAT SUCH INFORMATION IS AVAILABLE.

2. THE COMPREHENSIVE INFORMATION TECHNOLOGY INVENTORY SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) COMPUTER HARDWARE AND SOFTWARE SUPPORTING EXISTING OPERATIONS;

(B) ANY MAJOR PHYSICAL INFRASTRUCTURES SUPPORTING EXISTING OPERATIONS, INCLUDING POWER, AIR CONDITIONING, SPACE AND OTHER ENVIRONMENTAL NEEDS;

(C) 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 PROJECTED REPLACEMENT COSTS;

(F) DATA PROCESSING OR OTHER TECHNOLOGY CONSULTING AND CONTRACTING SERVICES UTILIZED; AND

(G) A LIST OF CONTRACTS FOR THE PURCHASE OF TECHNOLOGY AND TECHNOLOGY CONSULTING SERVICES.

S 504. PUBLIC AUTHORITY ANNUAL TECHNOLOGY PLANS. 1. TO FULFILL THE DUTY TO ACT AS THE OFFICIAL STATE PLANNING AND COORDINATING OFFICE FOR THE ADVANCEMENT OF TECHNOLOGY, AND TO IMPROVE GOVERNMENT EFFICIENCY AND EFFECTIVENESS, THE OFFICE SHALL COLLECT ANNUAL TECHNOLOGY PLANS FROM STATE AUTHORITIES, LOCAL AUTHORITIES AND THEIR SUBSIDIARIES OR AFFILIATES, TO THE EXTENT THAT SUCH INFORMATION IS AVAILABLE.

2. THE ANNUAL TECHNOLOGY PLANS SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) EXPLANATION OF HOW THE AGENCY'S TECHNOLOGY STRATEGY FURTHERS THE ENTITY'S MISSION AND PURPOSE;

(B) REVIEWING OF THE STATUS OF MAJOR TECHNOLOGY INITIATIVES CURRENTLY IN DEVELOPMENT AND AN ASSESSMENT OF HOW WELL THE INITIATIVES ARE MEETING THEIR STATED GOALS;

(C) PROPOSALS FOR EACH NEW MAJOR TECHNOLOGY INTUITIVE WHICH, AT A MINIMUM, IDENTIFIES THE BUSINESS NEED BEING ADDRESSED; EVALUATES THE IMPACT OF ENTITY PROGRAMS; DESCRIBES THE ALTERNATIVES EVALUATED, THE EXPECTED BENEFITS AND HOW SUCCESS WILL BE MEASURED; ASSESSES RISKS; ESTIMATES CURRENT AND FUTURE COSTS; AND SUMMARIZES THE TYPES OF GOODS AND SERVICES TO BE ACQUIRED AND PLANNED METHOD OF PROCUREMENT;

(D) OVERVIEW OF EXPECTED FUTURE TECHNOLOGY INITIATIVES WITHIN THE NEXT FIVE YEARS;

(E) SUMMARY OF THE DISTRIBUTION OF CURRENT INFORMATION TECHNOLOGY RESOURCES;

(F) REPORTS ON DISASTER RECOVERY AND CONTINUITY OF OPERATIONS PLANS FOR TECHNOLOGY OPERATIONS; SUCH PLANS SHALL BE CONFIDENTIAL; AND

(G) BUDGETARY FUND SOURCES, BONDING OR FINANCING MECHANISMS AND METHODS OF PROCUREMENT FOR EACH INITIATIVE.

S 505. REPORTING. 1. THE OFFICE SHALL COLLECT SUCH INVENTORY AND ANNUAL TECHNOLOGY PLAN INFORMATION AS AUTHORIZED BY THIS ARTICLE BEGINNING ON OR BEFORE JUNE FIRST, FOR EACH CONSECUTIVE YEAR BEGINNING IN TWO THOUSAND TEN THROUGH AND INCLUDING TWO THOUSAND TWELVE. THE OFFICE SHALL KEEP THE INFORMATION COLLECTED AND SUBMIT A REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF ASSEMBLY ON OR BEFORE DECEMBER FIRST, FOR EACH CONSECUTIVE YEAR.

2. THE REPORT SHALL BE DRAFTED IN CONSULTATION WITH THE DIVISION OF THE BUDGET AND THE STATE PROCUREMENT COUNCIL, AND SHALL CONTAIN TECHNOLOGY REVIEWS OF THE MAJOR TECHNOLOGY OPERATIONS AND INITIATIVES AND MAKE RECOMMENDATIONS FOR IMPROVING MANAGEMENT AND GOVERNMENT EFFECTIVENESS AND EFFICIENCY RELATIVE TO TECHNOLOGY DEPLOYMENT, OPERATIONS AND PROCUREMENT. WHERE APPLICABLE, SUCH REVIEW SHALL INCLUDE BUT NOT BE LIMITED TO: ASSESSING CONSISTENCY WITH THE STATEWIDE STRATEGIC TECHNOLOGY PLAN AND THE ENTITY'S TECHNOLOGY PLANS; STATEWIDE TECHNOLOGY STANDARDS; THE SAFEGUARDING OF INFORMATION PRIVACY; SECURITY OF CONFIDENTIAL RECORDS; AND PROPER DISSEMINATION OF PUBLIC INFORMATION.

S 506. COLLECTION OF INFORMATION. 1. THE OFFICE SHALL UTILIZE SECURE WEB APPLICATIONS TO FACILITATE COLLECTION AND ANALYSIS OF THE INVENTORY AND ANNUAL TECHNOLOGY PLAN INFORMATION, AND MINIMIZE RESOURCE EXPENDITURE BY THE ENTITIES REQUIRED TO SUBMIT INFORMATION. THE OFFICE SHALL PROVIDE ADEQUATE ASSISTANCE AND TRAINING IN THE USE OF SUCH WEB APPLICATIONS TO FACILITATE TIMELY PARTICIPATION BY ENTITIES REQUIRED TO SUBMIT INFORMATION.

2. THE OFFICE SHALL REQUEST AND SHALL RECEIVE FROM ANY STATE AUTHORITY, LOCAL AUTHORITY AND THEIR SUBSIDIARIES OR AFFILIATES THE PARTICIPATION, INFORMATION AND REASONABLE RESOURCES NECESSARY TO CARRY OUT THE RESPONSIBILITIES AND PROVISIONS SET FORTH IN THIS ARTICLE.

S 507. CONFIDENTIALITY AND EXCEPTIONS. 1. ANY INFORMATION SUBMITTED BY AN ENTITY CONSIDERED TO BE CRITICAL INFRASTRUCTURE, TRADE SECRET, OR OTHERWISE EXCEPTED UNDER ARTICLE SIX OF THE PUBLIC OFFICERS LAW FROM DISCLOSURE SHALL BE MARKED AS SUCH AND SHALL BE APPROPRIATELY REVIEWED BY THE OFFICE AND EXCEPTED FROM ANY PUBLIC REPORT.

2. ANY STATE AUTHORITY OR LOCAL AUTHORITY AND THEIR SUBSIDIARIES OR AFFILIATES MAY SEEK AN EXCEPTION FROM THE INVENTORY AND ANNUAL TECHNOLOGY PLAN PROCESS AUTHORIZED BY THIS ARTICLE BY MAKING A WRITTEN APPLICATION CERTIFYING THERE ARE NO CURRENT OR PLANNED TECHNOLOGY PROCUREMENTS OR INITIATIVES BY THE ENTITY. THE OFFICE SHALL MAKE A TIMELY DETERMINATION ON THE APPLICATION AND MAY MAKE LIMITED INQUIRIES TO THE APPLICANT TO SUPPORT SUCH DETERMINATION.

S 3. This act shall take effect immediately, and shall remain in full force and effect until the thirtieth day of December, 2012 when upon such date it shall expire and be deemed repealed.