

8543

2011-2012 Regular Sessions

I N A S S E M B L Y

July 20, 2011

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

AN ACT to amend the executive law, in relation to public safety and
requiring the division of homeland security, in consultation with the
department of education, to establish a statewide planning and mapping
system for the schools, colleges and universities of the state

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

1 Section 1. The executive law is amended by adding a new section 718 to
2 read as follows:
3 S 718. STATEWIDE CRITICAL INCIDENT MAPPING AND PLANNING SYSTEM. 1. TO
4 THE EXTENT THAT FUNDS ARE MADE AVAILABLE, THE DIVISION OF HOMELAND SECU-
5 RITY AND EMERGENCY SERVICES SHALL ESTABLISH A STATEWIDE PLANNING AND
6 MAPPING SYSTEM FOR THE PUBLIC AND PRIVATE SCHOOLS, COLLEGES AND UNIVER-
7 SITIES IN THIS STATE FOR USE BY RESPONSE AGENCIES THAT ARE CALLED TO
8 RESPOND TO AN ACT OF TERRORISM, CRIMINAL ATTACK, OR RELATED EMERGENCY.
9 2. THE STATEWIDE PLANNING AND MAPPING SYSTEM MUST INCLUDE, WITHOUT
10 LIMITATION:
11 A. THE TYPE OF INFORMATION THAT MUST BE INCLUDED WITHIN THE SOFTWARE
12 PROGRAM THAT COMPRISES THE SYSTEM, INCLUDING, WITHOUT LIMITATION, FLOOR
13 PLANS, FIRE PROTECTION INFORMATION, BUILDING EVACUATION PLANS, UTILITY
14 INFORMATION, KNOWN HAZARDS, AND INFORMATION ON HOW TO CONTACT EMERGENCY
15 PERSONNEL;
16 B. THE MANNER BY WHICH INFORMATION PRESCRIBED PURSUANT TO PARAGRAPH A
17 OF THIS SUBDIVISION MUST BE TRANSFERRED TO THE SYSTEM FROM THE STATE
18 AGENCIES AND THE POLITICAL SUBDIVISIONS THAT PARTICIPATE IN THE SYSTEM;
19 C. STANDARDS FOR THE SOFTWARE THAT MUST BE USED BY STATE AGENCIES AND
20 POLITICAL SUBDIVISIONS THAT PARTICIPATE IN THE SYSTEM;
21 D. CONDITIONS FOR USE OF THE SYSTEM BY RESPONSE AGENCIES;
22 E. GUIDELINES FOR (I) THE ACCESSIBILITY AND CONFIDENTIALITY OF INFOR-
23 MATION CONTAINED WITHIN THE SYSTEM; AND (II) THE INCORPORATION, IN

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

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1 CONNECTION WITH THE USE OF THE SYSTEM, OF THE ITEMS DESCRIBED IN PARA-
2 GRAPH B OF SUBDIVISION THREE OF THIS SECTION;

3 F. A LIST OF PRIORITY, DETERMINED IN ACCORDANCE WITH INFORMATION
4 OBTAINED BY THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES,
5 FOR THE DISTRIBUTION OF ANY MONEY THAT MAY BE AVAILABLE FOR THE STATE
6 AGENCIES AND POLITICAL SUBDIVISIONS TO PARTICIPATE IN THE SYSTEM; AND

7 G. GUIDELINES RECOMMENDED BY THE DIVISION OF HOMELAND SECURITY AND
8 EMERGENCY SERVICES FOR THE TRAINING OF PERSONS EMPLOYED BY RESPONSE
9 AGENCIES CONCERNING THE USE OF THE SYSTEM.

10 3. TO THE EXTENT MONEY IS MADE AVAILABLE, THE STATE AGENCIES AND POLI-
11 TICAL SUBDIVISIONS SHALL:

12 A. PARTICIPATE IN THE STATEWIDE PLANNING AND MAPPING SYSTEM; AND

13 B. INCORPORATE INTO THEIR USE OF THE SYSTEM, WITHOUT LIMITATION:

14 (I) EVACUATION ROUTES AND STRATEGIES FOR EVACUATION;

15 (II) ALARMS AND OTHER SIGNALS OR MEANS OF NOTIFICATION;

16 (III) PLANS FOR SHELTERING IN PLACE; AND

17 (IV) TRAINING AND STRATEGIES FOR PREVENTION IN CONNECTION WITH ATTACKS
18 INVOLVING VIOLENCE.

19 IF A STATE AGENCY OR POLITICAL SUBDIVISION USES ITS OWN PLANNING AND
20 MAPPING SYSTEM BEFORE THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
21 SERVICES ESTABLISHES A STATEWIDE PLANNING AND MAPPING SYSTEM, THE STATE
22 AGENCY OR POLITICAL SUBDIVISION MAY CONTINUE TO USE ITS SYSTEM UNLESS
23 MONEY IS MADE AVAILABLE FOR THE STATE AGENCY OR POLITICAL SUBDIVISION TO
24 UPDATE OR MODIFY ITS SYSTEM AS NECESSARY FOR INCLUSION IN THE STATEWIDE
25 SYSTEM.

26 4. THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL
27 PURSUE ANY MONEY THAT MAY BE AVAILABLE FROM THE FEDERAL GOVERNMENT FOR
28 THE DEVELOPMENT AND OPERATION OF A STATEWIDE PLANNING AND MAPPING SYSTEM
29 FOR PUBLIC AND PRIVATE SCHOOLS, COLLEGES AND UNIVERSITIES AND FOR THE
30 DISTRIBUTION OF GRANTS TO THE STATE AGENCIES AND POLITICAL SUBDIVISIONS
31 THAT PARTICIPATE IN THE SYSTEM. THE DIVISION OF HOMELAND SECURITY AND
32 EMERGENCY SERVICES MAY ACCEPT GIFTS, GRANTS, AND OTHER CONTRIBUTIONS FOR
33 THE DEVELOPMENT AND OPERATION OF A STATEWIDE PLANNING AND MAPPING
34 SYSTEM.

35 5. EACH STATE AGENCY AND POLITICAL SUBDIVISION THAT PARTICIPATES IN
36 THE SYSTEM SHALL, ON OR BEFORE JULY FIRST, TWO THOUSAND THIRTEEN, AND ON
37 OR BEFORE JULY FIRST EACH YEAR THEREAFTER, SUBMIT TO THE DIVISION OF
38 HOMELAND SECURITY AND EMERGENCY SERVICES A PROGRESS REPORT SETTING
39 FORTH, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DIVISION, THE EXPE-
40 RIENCE OF THE AGENCY OR POLITICAL SUBDIVISION, AS APPLICABLE, WITH
41 RESPECT TO ITS PARTICIPATION IN THE SYSTEM. THE DIVISION OF HOMELAND
42 SECURITY AND EMERGENCY SERVICES SHALL RECEIVE AND PROCESS SUCH PROGRESS
43 REPORTS AND PROVIDE TO THE LEGISLATURE A SUMMARIZED OVERVIEW OF THE
44 SYSTEM ON OR BEFORE OCTOBER FIRST, TWO THOUSAND THIRTEEN, AND EACH OCTO-
45 BER FIRST THEREAFTER.

46 6. AFTER THE STATEWIDE PLANNING AND MAPPING SYSTEM IS ESTABLISHED
47 PURSUANT TO THIS SECTION, EACH STATE AGENCY AND POLITICAL SUBDIVISION
48 THAT PARTICIPATES IN THE SYSTEM SHALL SUBMIT TO THE DIVISION OF HOMELAND
49 SECURITY AND EMERGENCY SERVICES ANY INITIAL OR FINAL PLAN FOR A PUBLIC
50 WORK PROJECT.

51 7. AS USED IN THIS SECTION:

52 A. "ACT OF TERRORISM" SHALL HAVE THE SAME MEANING AS DEFINED IN
53 SECTION 490.05 OF THE PENAL LAW.

54 B. "CRIMINAL ATTACK" SHALL MEAN ANY VIOLENT FELONY OFFENSE AS DEFINED
55 BY SECTION 70.02 OF THE PENAL LAW, COMMITTED AGAINST MORE THAN TWO
56 PERSONS AT A PUBLIC OR PRIVATE SCHOOL.

1 C. "POLITICAL SUBDIVISION" MEANS ANY COUNTY, CITY, TOWN, VILLAGE,
2 SPECIAL DISTRICT OR SCHOOL DISTRICT.

3 D. "RESPONSE AGENCY" MEANS THE DEPARTMENTS OF FIRE, POLICE, ENVIRON-
4 MENTAL PROTECTION, HEALTH, TRANSPORTATION AND SANITATION, AND THE DIVI-
5 SION OF EMERGENCY MEDICAL SERVICES OF THE HEALTH AND HOSPITALS CORPO-
6 RATION.

7 E. "SHELTERING IN PLACE" MEANS TO REMAIN INSIDE A BUILDING, ROOM,
8 STRUCTURE, OR OTHER LOCATION DURING AN EMERGENCY WHEN EGRESS MAY BE
9 IMPOSSIBLE OR WHEN EGRESS MAY PRESENT A MORE SUBSTANTIAL RISK THAN
10 REMAINING INSIDE THE BUILDING, ROOM, STRUCTURE, OR OTHER LOCATION.

11 S 2. This act shall take effect immediately.