

2441

2011-2012 Regular Sessions

I N A S S E M B L Y

January 18, 2011

Introduced by M. of A. CASTELLI, TEDISCO, CROUCH -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to local disaster preparedness plans, requiring law enforcement agencies to report to the superintendent of state police suspected or perceived threats of the release of any chemical, biological or radiological agent and the energy transportation and storage security program, government continuity program, business continuity program, post disaster recovery program, energy security program, public security evacuation program, and disaster preparedness plan program, uniform identification cards for firefighters and emergency services personnel and security measures at rail yards; to amend the executive law and the general business law, in relation to telecommunication service security; establishing an endowed chair within the state university of New York for the study of terrorism and homeland security and making an appropriation therefor

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

1 Section 1. Paragraph a of subdivision 2 of section 20 of the executive
2 law, as amended by section 1 of part B of chapter 56 of the laws of
3 2010, is amended to read as follows:
4 a. "disaster" means occurrence or imminent threat of wide spread or
5 severe damage, injury, or loss of life or property resulting from any
6 natural or man-made causes, including, but not limited to, fire, flood,
7 earthquake, hurricane, tornado, high water, landslide, mudslide, wind,
8 storm, wave action, volcanic activity, epidemic, air contamination, ACT
9 OF terrorism INCLUDING BIOLOGICAL, CHEMICAL OR RADIOLOGICAL TERRORISM,
10 cyber event, blight, drought, infestation, explosion, radiological acci-
11 dent, nuclear, chemical, biological, or bacteriological release, water
12 contamination, bridge failure or bridge collapse.

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

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1 S 2. Subdivision 6 of section 23 of the executive law, as amended by
2 section 4 of part B of chapter 56 of the laws of 2010, is amended to
3 read as follows:

4 6. All plans for comprehensive emergency management developed by local
5 governments or any revisions thereto shall COMPLY WITH THE NATIONAL
6 INCIDENT MANAGEMENT SYSTEMS (NIMS) AND be submitted to the commission by
7 December thirty-first of each year to facilitate state coordination of
8 disaster operations.

9 S 3. Subparagraph 4 of paragraph a of subdivision 7 of section 23 of
10 the executive law, as amended by section 4 of part B of chapter 56 of
11 the laws of 2010, is amended and eight new subparagraphs 5, 6, 7, 8, 9,
12 10, 11 and 12 are added to read as follows:

13 (4) such other measures as reasonably can be taken to protect lives,
14 prevent disasters, and reduce their impact[.] ;

15 (5) A ROSTER OF VOLUNTEER MEDICAL PERSONNEL IN THE COUNTY WHO WOULD BE
16 AVAILABLE TO RESPOND TO DISASTERS AND HAVE A PROCEDURE TO COORDINATE
17 SUCH VOLUNTEERS;

18 (6) ASSESSMENT AS TO THE EXTENT OF EACH COUNTY'S HEALTHCARE INFRA-
19 STRUCTURE WHICH INCLUDES THE AMOUNT OF HOSPITAL BEDS, DOCTOR'S OFFICES
20 AND EMERGENCY HEALTH SERVICES AVAILABLE TO A DISASTER AREA;

21 (7) DEVELOPMENT OF A SYSTEM FOR COLLECTING DISEASE OR EXPOSURE DATA
22 IMMEDIATELY AS A RESULT OF A DISASTER;

23 (8) IDENTIFICATION OF A LOCAL STOCKPILE OF PHARMACEUTICALS AVAILABLE
24 IN THE COUNTY, IF AVAILABLE, AND IDENTIFY HOW TO INTEGRATE STATE AND
25 FEDERAL STOCKPILES INTO THE LOCAL SUPPLY;

26 (9) IDENTIFICATION AND COORDINATION OF THE EMERGENCY SERVICES ORGAN-
27 IZATIONS TO BE USED FOLLOWING A DISASTER;

28 (10) DESIGNATING A COUNTY HEALTH OFFICIAL AS THE HEALTH RISK COMMU-
29 NICATOR;

30 (11) CREATION OF DRILLS TO BE USED TO TEST SUCH PLANS; AND

31 (12) ASSESSMENT AS TO THE PLANNING FOR AND IMPLEMENTATION OF THE
32 NATIONAL INCIDENT MANAGEMENT SYSTEM.

33 S 4. The executive law is amended by adding a new section 221-e to
34 read as follows:

35 S 221-E. REPORTING THREATS CONCERNING ACTUAL, SUSPECTED OR PERCEIVED
36 CHEMICAL, BIOLOGICAL OR RADIOLOGICAL AGENTS. EVERY LAW ENFORCEMENT AGEN-
37 CY WHICH RECEIVES A REPORT OF A SUSPECTED OR PERCEIVED THREAT OR INCI-
38 DENT RELATING TO THE RELEASE OF ANTHRAX OR ANY OTHER SUSPECTED OR
39 PERCEIVED CHEMICAL, BIOLOGICAL OR RADIOLOGICAL AGENT SHALL, IMMEDIATELY
40 AFTER RECEIVING SUCH REPORT, NOTIFY THE SUPERINTENDENT OF STATE POLICE
41 OF SUCH REPORT VIA THE NEW YORK STATEWIDE POLICE INFORMATION NETWORK OR
42 BY SUCH OTHER MEANS AS SHALL BE DESIGNATED BY SUCH SUPERINTENDENT.

43 S 5. The executive law is amended by adding eleven new sections 718,
44 719, 720, 721, 722, 723, 724, 725, 726, 727 and 728 to read as follows:

45 S 718. ENERGY TRANSPORTATION AND STORAGE SECURITY PROGRAM. THE NEW
46 YORK STATE OFFICE OF HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN
47 INVESTIGATION AND STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK
48 STATE ENERGY TRANSPORTATION AND STORAGE SECURITY PROGRAM. SUCH INVESTI-
49 GATION AND STUDY SHALL BE COMPLETED ON OR BEFORE DECEMBER THIRTY-FIRST,
50 TWO THOUSAND TWELVE. WITHIN NINETY DAYS OF THE COMPLETION OF SUCH
51 INVESTIGATION AND STUDY, THE NEW YORK STATE OFFICE OF HOMELAND SECURITY
52 SHALL COMPLETE AND DELIVER, TO THE CHAIR OF THE SENATE COMMITTEE ON
53 VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS AND THE CHAIR OF THE
54 ASSEMBLY COMMITTEE ON GOVERNMENTAL OPERATIONS, A REPORT ON SUCH INVESTI-
55 GATION AND STUDY, CONTAINING RECOMMENDATIONS TO THE LEGISLATURE ON THE
56 ESTABLISHMENT OF A NEW YORK STATE ENERGY TRANSPORTATION AND STORAGE

1 SECURITY PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE WHAT MEASURES NEED
2 TO BE TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A PROGRAM, WHAT LAWS
3 SHOULD BE AMENDED OR ADDED TO ESTABLISH SUCH A PROGRAM, AND WHAT FISCAL
4 RESOURCES WOULD NEED TO BE APPROPRIATED AND EXPENDED, IF ANY, TO ESTAB-
5 LISH SUCH A PROGRAM.

6 S 719. GOVERNMENT CONTINUITY PROGRAM. THE NEW YORK STATE OFFICE OF
7 HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND
8 STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE GOVERNMENT
9 CONTINUITY PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON
10 OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE. WITHIN NINETY
11 DAYS OF THE COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK
12 STATE OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE
13 CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY
14 AND MILITARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON
15 GOVERNMENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY,
16 CONTAINING RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A
17 NEW YORK STATE GOVERNMENT CONTINUITY PROGRAM. SUCH RECOMMENDATIONS
18 SHALL INCLUDE WHAT MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTAB-
19 LISH SUCH A PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH
20 SUCH A PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED
21 AND EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

22 S 720. BUSINESS CONTINUITY PROGRAM. THE NEW YORK STATE OFFICE OF HOME-
23 LAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND STUDY
24 ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE BUSINESS CONTINUI-
25 TY PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON OR BEFORE
26 DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE. WITHIN NINETY DAYS OF THE
27 COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK STATE OFFICE OF
28 HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE CHAIR OF THE SENATE
29 STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS
30 AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPER-
31 ATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY, CONTAINING RECOMMENDA-
32 TIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A NEW YORK STATE BUSI-
33 NESS CONTINUITY PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE WHAT
34 MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A PROGRAM,
35 WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH SUCH A PROGRAM, AND
36 WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED AND EXPENDED, IF
37 ANY, TO ESTABLISH SUCH A PROGRAM.

38 S 721. POST DISASTER RECOVERY PROGRAM. THE NEW YORK STATE OFFICE OF
39 HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND
40 STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE POST DISAS-
41 TER RECOVERY PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON
42 OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE. WITHIN NINETY
43 DAYS OF THE COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK
44 STATE OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE
45 CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY
46 AND MILITARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON
47 GOVERNMENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY,
48 CONTAINING RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A
49 NEW YORK STATE POST DISASTER RECOVERY PROGRAM. SUCH RECOMMENDATIONS
50 SHALL INCLUDE WHAT MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTAB-
51 LISH SUCH A PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH
52 SUCH A PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED
53 AND EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

54 S 722. ENERGY SECURITY PROGRAM. THE NEW YORK STATE OFFICE OF HOMELAND
55 SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND STUDY ON THE
56 ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE ENERGY SECURITY PROGRAM.

1 SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED ON OR BEFORE DECEMBER
2 THIRTY-FIRST, TWO THOUSAND TWELVE. WITHIN NINETY DAYS OF THE COMPLETION
3 OF SUCH INVESTIGATION AND STUDY, THE NEW YORK STATE OFFICE OF HOMELAND
4 SECURITY SHALL COMPLETE AND DELIVER, TO THE CHAIR OF THE SENATE STANDING
5 COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS AND THE
6 CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, A
7 REPORT ON SUCH INVESTIGATION AND STUDY, CONTAINING RECOMMENDATIONS TO
8 THE LEGISLATURE ON THE ESTABLISHMENT OF A NEW YORK STATE ENERGY SECURITY
9 PROGRAM. SUCH RECOMMENDATIONS SHALL INCLUDE WHAT MEASURES NEED TO BE
10 TAKEN BY NEW YORK STATE TO ESTABLISH SUCH A PROGRAM, WHAT LAWS SHOULD BE
11 AMENDED OR ADDED TO ESTABLISH SUCH A PROGRAM, AND WHAT FISCAL RESOURCES
12 WOULD NEED TO BE APPROPRIATED AND EXPENDED, IF ANY, TO ESTABLISH SUCH A
13 PROGRAM.

14 S 723. PUBLIC SECURITY EVACUATION PROGRAM. THE NEW YORK STATE OFFICE
15 OF HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND
16 STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE PUBLIC SEC-
17 URITY EVACUATION PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE COMPLETED
18 ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE. WITHIN NINETY
19 DAYS OF THE COMPLETION OF SUCH INVESTIGATION AND STUDY, THE NEW YORK
20 STATE OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIVER, TO THE
21 CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY
22 AND MILITARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON
23 GOVERNMENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND STUDY,
24 CONTAINING RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISHMENT OF A
25 NEW YORK STATE PUBLIC SECURITY EVACUATION PROGRAM. SUCH RECOMMENDATIONS
26 SHALL INCLUDE WHAT MEASURES NEED TO BE TAKEN BY NEW YORK STATE TO ESTAB-
27 LISH SUCH A PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED TO ESTABLISH
28 SUCH A PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE APPROPRIATED
29 AND EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

30 S 724. DISASTER PREPAREDNESS PLAN PROGRAM. THE NEW YORK STATE OFFICE
31 OF HOMELAND SECURITY IS HEREBY DIRECTED TO CONDUCT AN INVESTIGATION AND
32 STUDY ON THE ISSUE OF THE ESTABLISHMENT OF A NEW YORK STATE DISASTER
33 PREPAREDNESS PLAN PROGRAM. SUCH INVESTIGATION AND STUDY SHALL BE
34 COMPLETED ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE.
35 WITHIN NINETY DAYS OF THE COMPLETION OF SUCH INVESTIGATION AND STUDY,
36 THE NEW YORK STATE OFFICE OF HOMELAND SECURITY SHALL COMPLETE AND DELIV-
37 ER, TO THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND
38 SECURITY AND MILITARY AFFAIRS AND THE CHAIR OF THE ASSEMBLY STANDING
39 COMMITTEE ON GOVERNMENTAL OPERATIONS, A REPORT ON SUCH INVESTIGATION AND
40 STUDY, CONTAINING RECOMMENDATIONS TO THE LEGISLATURE ON THE ESTABLISH-
41 MENT OF A NEW YORK STATE DISASTER PREPAREDNESS PLAN PROGRAM. SUCH RECOM-
42 MENDATIONS SHALL INCLUDE WHAT MEASURES NEED TO BE TAKEN BY NEW YORK
43 STATE TO ESTABLISH SUCH A PROGRAM, WHAT LAWS SHOULD BE AMENDED OR ADDED
44 TO ESTABLISH SUCH A PROGRAM, AND WHAT FISCAL RESOURCES WOULD NEED TO BE
45 APPROPRIATED AND EXPENDED, IF ANY, TO ESTABLISH SUCH A PROGRAM.

46 S 725. ACADEMIC CHAIR FOR THE STUDY OF TERRORISM AND HOMELAND SECURI-
47 TY. 1. DECLARATION OF LEGISLATIVE FINDINGS AND INTENT. TERRORISM HAS
48 EMERGED AS THE MORTAL ENEMY OF DEMOCRATIC INSTITUTIONS WORLDWIDE AND IT
49 INFECTS AND DISTORTS WORLD SECURITY, COMMERCE AND FREEDOM. IT HAS FORGED
50 UNHOLY ALLIANCES WITH CRIMINAL ORGANIZATIONS AND LINKS TO OUTLAW STATES.
51 IT IS RUTHLESS, INHUMAN AND DEADLY, DEMONSTRATING A CONTEMPT FOR THE
52 BASIC VALUE OF HUMAN LIFE AND CIVILIZATION.

53 WITH THE INTERNATIONALIZATION OF TERRORISM, THE CHALLENGE POSED TO OUR
54 MILITARY, LAW ENFORCEMENT AND GENERAL SOCIETY HAS GROWN EXPONENTIALLY.
55 THE STRATEGIES AND TACTICS DEVELOPED TO COMBAT TERRORISM ARE DYNAMIC AND
56 EVER CHANGING, REQUIRING A THOUGHTFUL AND REGULAR STUDY, EXAMINATION AND

1 REVIEW, IN ORDER TO BUILD THE CAPABILITIES NEEDED TO MEET THIS ONGOING
2 CHALLENGE. WE MUST DEVELOP THE MILITARY, LEGAL AND STRATEGIC FRAMEWORKS
3 WITH WHICH THOSE CHARGED WITH FIGHTING THE WAR ON TERROR MAY EFFECTIVELY
4 DEPLOY. THIS IS A MATTER OF THE GREATEST URGENCY. WE DO NOT HAVE THE
5 LUXURY OF TAKING TIME TO ANALYZE AND STUDY. WE ARE ALREADY IN A MORTAL
6 CONFRONTATION THAT THREATENS PEACE, PROSPERITY AND PUBLIC CONFIDENCE.
7 WE MUST PROTECT OUR PEOPLE AND OUR INSTITUTIONS.

8 ONCE AGAIN, NEW YORK WILL EXERCISE LEADERSHIP BY CREATING AN ENDOWED
9 CHAIR IN TERRORISM AND HOMELAND SECURITY WITHIN THE STATE UNIVERSITY OF
10 NEW YORK. THIS INSTITUTION WILL PROVIDE A FORUM FOR STUDY AND DELIBER-
11 ATION ON THE DEFEAT OF TERRORISM AND THE PROMOTION OF HOMELAND SECURITY
12 WITH THE GOAL OF CONTRIBUTING TO THE DEVELOPMENT OF STRATEGIES AND
13 SOLUTIONS.

14 2. ACADEMIC CHAIR TO STUDY TERRORISM AND HOMELAND SECURITY. THERE IS
15 HEREBY ESTABLISHED WITHIN THE STATE UNIVERSITY OF NEW YORK, AN ACADEMIC
16 CHAIR TO STUDY TERRORISM AND HOMELAND SECURITY. SUCH CHAIR SHALL ORGAN-
17 IZE CONFERENCES AND SEMINARS, DEVELOP TRAINING PROGRAMS FOR LAW ENFORCE-
18 MENT OFFICERS, PUBLISH ITS PROCEEDINGS AND MAINTAIN A LIBRARY. THE CHAN-
19 CELLOR AND TRUSTEES OF THE STATE UNIVERSITY SHALL APPOINT A PERSON WELL
20 QUALIFIED BY EDUCATION AND EXPERIENCE TO ADMINISTER THE PROGRAM OF SUCH
21 CHAIR. SUCH CHAIR SHALL BE AUTHORIZED TO ESTABLISH A DEVELOPMENT PROGRAM
22 TO BUILD ITS OWN ENDOWMENT.

23 S 726. UNIFORM IDENTIFICATION CARDS FOR FIREFIGHTERS AND EMERGENCY
24 SERVICES PERSONNEL. 1. THE DIRECTOR SHALL ESTABLISH AND MAINTAIN A
25 STATEWIDE DATABASE FOR THE PURPOSE OF CREATING, DISTRIBUTING AND MONI-
26 Toring UNIFORM IDENTIFICATION CARDS FOR ALL FIREFIGHTERS AND EMERGENCY
27 SERVICES PERSONNEL IN THE STATE. THE DIRECTOR SHALL COORDINATE WITH THE
28 DEPARTMENT OF STATE AND THE NEW YORK EMERGENCY SERVICES COUNCIL FOR THE
29 TRANSMISSION OF INFORMATION SET FORTH IN SUBDIVISION TWO OF THIS SECTION
30 AND ANY OTHER INFORMATION AS HE OR SHE DEEMS NECESSARY TO COMPLY WITH
31 THE PROVISIONS OF THIS SECTION.

32 2. THE DIRECTOR SHALL DEVELOP AND DISTRIBUTE UNIFORM IDENTIFICATION
33 CARDS TO ALL PAID AND VOLUNTEER FIREFIGHTERS AND EMERGENCY SERVICES
34 PERSONNEL IN THIS STATE WHICH SHALL CONTAIN ALL THE FOLLOWING INFORMA-
35 TION:

36 (A) A PERSONAL IDENTIFICATION NUMBER AND SUCH PERSON'S BADGE NUMBER,
37 IF APPLICABLE;

38 (B) THE PERSON'S HEIGHT, WEIGHT, EYE COLOR, SEX AND RACE;

39 (C) THE TOWN, VILLAGE, CITY, COUNTY, DEPARTMENT, DISTRICT, DIVISION,
40 AGENCY OR MUNICIPALITY THE PERSON IS EMPLOYED WITH;

41 (D) A DIGITIZED PHOTOGRAPH OF THE PERSON THAT SHALL BE THE PERSON'S
42 DRIVER'S LICENSE PHOTOGRAPH AND SHALL BE OBTAINED FROM THE DEPARTMENT OF
43 MOTOR VEHICLES;

44 (E) A DISTINCTIVE MARK OR SYMBOL WHICH DESIGNATES THE PERSON'S SPECIAL
45 EXPERTISE, TRAINING AND RANK, IF APPLICABLE;

46 (F) THE NEW YORK STATE SEAL;

47 (G) ANY OTHER INFORMATION THE DIRECTOR DEEMS APPROPRIATE.

48 3. THE DIRECTOR SHALL ESTABLISH PROCEDURES FOR DIRECTING THE RETURN OF
49 IDENTIFICATION CARDS WHEN A PERSON'S EMPLOYMENT OR ASSOCIATION WITH THE
50 TOWN, VILLAGE, CITY, COUNTY, DEPARTMENT, DISTRICT, DIVISION, AGENCY OR
51 MUNICIPALITY FOR WHICH THEY VOLUNTEER WITH OR WORK FOR HAS ENDED AND FOR
52 PLACING AN ALERT IN THE DATABASE WHERE A CARD HAS BEEN LOST OR STOLEN
53 AND ANY ACTION THE DIRECTOR DEEMS NECESSARY UNDER SUCH CIRCUMSTANCES.

54 4. THE DIRECTOR SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO
55 OBTAIN THE INFORMATION NECESSARY TO IMPLEMENT THE DATABASE REQUIRED BY
56 THIS SECTION, ISSUE UNIFORM IDENTIFICATION CARDS, ENSURE THAT DIGITIZED

1 PHOTOGRAPHS ARE RECENT AND ESTABLISH PROGRAMS OR INITIATIVES TO SUPPLE-
2 MENT SUCH SYSTEM FOR THE PURPOSE OF IMPROVING LAW ENFORCEMENT SECURITY.
3 THE DIRECTOR SHALL CONSULT AND COMPLY WITH ANY FEDERAL LAWS, RULES,
4 REGULATIONS OR STANDARDS PERTAINING TO THE ISSUANCE OF UNIFORM LAW
5 ENFORCEMENT IDENTIFICATION CARDS.

6 S 727. PROTECTION OF CRITICAL INFRASTRUCTURE; RAIL YARDS. 1. NOTWITH-
7 STANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO THE AVAILABILITY OF
8 AN APPROPRIATION, THE DIRECTOR SHALL CONDUCT A REVIEW AND ANALYSIS OF
9 MEASURES BEING TAKEN BY THE OWNERS AND OPERATORS OF RAIL YARDS FACILI-
10 TIES TO PROTECT THE SECURITY OF CRITICAL INFRASTRUCTURE RELATED TO SUCH
11 FACILITIES. THE DIRECTOR SHALL HAVE THE AUTHORITY TO REVIEW ALL AUDITS
12 OR REPORTS RELATED TO THE SECURITY OF SUCH CRITICAL INFRASTRUCTURE,
13 INCLUDING ALL SUCH AUDITS OR REPORTS MANDATED BY STATE AND FEDERAL LAW
14 OR REGULATION, INCLUDING SPILL PREVENTION REPORTS AND RISK MANAGEMENT
15 PLANS, AUDITS AND REPORTS CONDUCTED AT THE REQUEST OF ANY FEDERAL ENTI-
16 TY, OR ANY OTHER AGENCY OR AUTHORITY OF THE STATE OR ANY POLITICAL
17 SUBDIVISION THEREOF, AND REPORTS PREPARED BY OWNERS AND OPERATORS OF
18 SUCH FACILITIES AS REQUIRED IN THIS SUBDIVISION. THE OWNERS AND OPERA-
19 TORS OF SUCH RAIL YARD FACILITIES SHALL, IN COMPLIANCE WITH ANY FEDERAL
20 AND STATE REQUIREMENTS REGARDING THE DISSEMINATION OF SUCH INFORMATION,
21 PROVIDE ACCESS TO THE DIRECTOR TO SUCH AUDITS AND REPORTS REGARDING SUCH
22 CRITICAL INFRASTRUCTURE PROVIDED, HOWEVER, EXCLUSIVE CUSTODY AND CONTROL
23 OF SUCH AUDITS AND REPORTS SHALL REMAIN SOLELY WITH THE OWNERS AND OPER-
24 ATORS OF SUCH FACILITIES TO THE EXTENT NOT INCONSISTENT WITH ANY OTHER
25 LAW. FOR THE PURPOSES OF THIS SECTION "CRITICAL INFRASTRUCTURE" HAS THE
26 MEANING ASCRIBED TO THAT TERM IN SUBDIVISION FIVE OF SECTION EIGHTY-SIX
27 OF THE PUBLIC OFFICERS LAW.

28 2. TO EFFECTUATE HIS OR HER DUTIES PURSUANT TO THIS SECTION AND IDEN-
29 TIFY RISKS TO THE PUBLIC, THE DIRECTOR SHALL:

30 (A) IDENTIFY AND PREPARE A LIST OF ALL RAIL YARD FACILITIES IN THE
31 STATE;

32 (B) IN CONSULTATION WITH THE COMMISSIONER OF TRANSPORTATION AND ANY
33 STATE, LOCAL AND MUNICIPAL OFFICIALS AS MAY BE APPROPRIATE, IDENTIFY
34 RAIL YARD FACILITIES, WHICH BECAUSE OF THEIR STORAGE AND/OR TRANSPORTA-
35 TION OF, OR RELATIONSHIP TO, SUCH SUBSTANCES IDENTIFIED PURSUANT TO
36 PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION SEVEN HUNDRED FOURTEEN OF
37 THIS ARTICLE POSE RISKS TO THE PUBLIC SHOULD AN UNAUTHORIZED RELEASE OF
38 SUCH HAZARDOUS SUBSTANCES OCCUR; AND

39 (C) REQUIRE SUCH RAIL YARD FACILITIES IDENTIFIED PURSUANT TO PARAGRAPH
40 (A) OF THIS SUBDIVISION, AS THE DIRECTOR SO DETERMINES, TO PREPARE A
41 VULNERABILITY ASSESSMENT OF THE SECURITY MEASURES TAKEN BY SUCH FACILI-
42 TIES TO PREVENT AND RESPOND TO THE UNAUTHORIZED RELEASE OF HAZARDOUS
43 SUBSTANCES AS MAY BE STORED THEREIN, WHICH ASSESSMENTS THE DIRECTOR OF
44 THE OFFICE OF HOMELAND SECURITY SHALL REVIEW AND CONSIDER IN LIGHT OF
45 THE SERIOUSNESS OF THE RISK POSED AND VULNERABILITY OF SUCH FACILITY
46 AND, WHERE APPROPRIATE, MAKE RECOMMENDATIONS WITH RESPECT THERETO.

47 3. (A) ON OR BEFORE JUNE FIRST, TWO THOUSAND TWELVE, THE DIRECTOR
48 SHALL MAKE A PRELIMINARY REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT
49 OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE COMMISSIONER OF TRANS-
50 PORTATION AND THE CHIEF EXECUTIVE OFFICER OF ANY SUCH AFFECTED FACILITY
51 OR HIS OR HER DESIGNEE, AND ON OR BEFORE DECEMBER THIRTY-FIRST, TWO
52 THOUSAND TWELVE, AND NOT LATER THAN THREE YEARS AFTER SUCH DATE, AND
53 EVERY FIVE YEARS THEREAFTER, THE DIRECTOR SHALL REPORT TO THE GOVERNOR,
54 THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE
55 COMMISSIONER OF TRANSPORTATION AND THE CHIEF EXECUTIVE OFFICER OF ANY
56 SUCH AFFECTED FACILITY OR HIS OR HER DESIGNEE. SUCH REPORT SHALL REVIEW

1 THE SECURITY MEASURES BEING TAKEN REGARDING CRITICAL INFRASTRUCTURE
2 RELATED TO RAIL YARD FACILITIES, ASSESS THE EFFECTIVENESS THEREOF, AND
3 INCLUDE RECOMMENDATIONS TO THE LEGISLATURE, THE DEPARTMENT OF TRANSPOR-
4 TATION IF THE DIRECTOR DETERMINES THAT ADDITIONAL MEASURES ARE REQUIRED
5 TO BE IMPLEMENTED.

6 (B) BEFORE THE RECEIPT OF SUCH REPORT IDENTIFIED IN PARAGRAPH (A) OF
7 THIS SUBDIVISION, EACH RECIPIENT OF SUCH REPORT SHALL DEVELOP CONFIDEN-
8 TIALITY PROTOCOLS WHICH SHALL BE BINDING UPON THE RECIPIENT WHO ISSUES
9 THE PROTOCOLS AND ANYONE TO WHOM THE RECIPIENT SHOWS A COPY OF THE
10 REPORT IN CONSULTATION WITH THE DIRECTOR, FOR THE MAINTENANCE AND USE OF
11 SUCH REPORT SO AS TO ENSURE THE CONFIDENTIALITY OF THE REPORT AND ALL
12 INFORMATION CONTAINED THEREIN, PROVIDED, HOWEVER, THAT SUCH PROTOCOLS
13 SHALL NOT BE BINDING UPON A PERSON WHO IS PROVIDED ACCESS TO SUCH REPORT
14 OR ANY INFORMATION CONTAINED THEREIN PURSUANT TO SECTION EIGHTY-NINE OF
15 THE PUBLIC OFFICERS LAW AFTER A FINAL DETERMINATION THAT ACCESS TO SUCH
16 REPORT OR ANY INFORMATION CONTAINED THEREIN COULD NOT BE DENIED PURSUANT
17 TO SUBDIVISION TWO OF SECTION EIGHTY-SEVEN OF THE PUBLIC OFFICERS LAW.
18 THE DIRECTOR SHALL ALSO DEVELOP PROTOCOLS FOR SUCH OFFICE RELATED TO THE
19 MAINTENANCE AND USE OF SUCH REPORT SO AS TO ENSURE THE CONFIDENTIALITY
20 OF ALL SENSITIVE INFORMATION CONTAINED IN SUCH REPORT. ON EACH REPORT,
21 THE DIRECTOR SHALL PROMINENTLY DISPLAY THE FOLLOWING STATEMENT: "THIS
22 REPORT MAY CONTAIN INFORMATION THAT IF DISCLOSED COULD ENDANGER THE LIFE
23 OR SAFETY OF THE PUBLIC, AND THEREFORE, PURSUANT TO SECTION SEVEN
24 HUNDRED ELEVEN OF THE EXECUTIVE LAW, THIS REPORT IS TO BE MAINTAINED AND
25 USED IN A MANNER CONSISTENT WITH PROTOCOLS ESTABLISHED TO PRESERVE THE
26 CONFIDENTIALITY OF THE INFORMATION CONTAINED HEREIN IN A MANNER CONSIST-
27 ENT WITH LAW."

28 (C) THE DEPARTMENTS OF TRANSPORTATION AND ENVIRONMENTAL CONSERVATION
29 SHALL HAVE THE DISCRETION TO REQUIRE THAT RECOMMENDATIONS OF THE DIREC-
30 TOR BE IMPLEMENTED BY ANY OWNER OR OPERATOR OF A RAIL YARD FACILITY.

31 S 728. SECURITY REPORT OF TELECOMMUNICATIONS ASSETS. THE NEW YORK
32 STATE OFFICE OF HOMELAND SECURITY, IN COOPERATION WITH THE DIVISION OF
33 STATE POLICE, SHALL PERFORM AN INVESTIGATION AND, ON OR BEFORE APRIL
34 FIRST, TWO THOUSAND TWELVE, SHALL ISSUE A REPORT TO THE GOVERNOR, THE
35 TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY, ON
36 TELECOMMUNICATION SECURITY IN NEW YORK STATE. SUCH INVESTIGATION AND
37 REPORT SHALL EXAMINE THE FACILITIES AND OPERATIONS OF ALL CORPORATIONS
38 WHICH OFFER OR PROVIDE TELECOMMUNICATIONS SERVICES, AND SHALL EXAMINE
39 AND REPORT ON THE SAFETY AND SECURITY OF ALL FACILITIES, EQUIPMENT AND
40 PROCEDURES OF SUCH CORPORATIONS AND MAKE RECOMMENDATIONS WITH RESPECT TO
41 THE IMPROVEMENT OF THE SECURITY THEREOF.

42 S 6. The general business law is amended by adding a new article 37-B
43 to read as follows:

44 ARTICLE 37-B

45 TELECOMMUNICATION SERVICE SECURITY

46 SECTION 807. SECURITY AT TELECOMMUNICATIONS CENTERS.

47 S 807. SECURITY AT TELECOMMUNICATIONS CENTERS. NO CORPORATION WHICH
48 OFFERS OR PROVIDES TELECOMMUNICATIONS SERVICES SHALL PERMIT ACCESS TO
49 ANY HARDWARE OR SOFTWARE, OR ANY PORTION OF A FACILITY OWNED OR OPERATED
50 BY SUCH CORPORATION, WHERE SUCH HARDWARE OR SOFTWARE IS MAINTAINED,
51 WHERE SUCH HARDWARE OR SOFTWARE PROVIDES SWITCHING, TRANSFORMING,
52 COMPUTER OR OTHER TECHNOLOGICAL SERVICES IN THE DELIVERY OF ITS TELECOM-
53 MUNICATION SERVICES, EXCEPT BY EMPLOYEES OF THE CORPORATION WHO HAVE
54 SATISFIED THE REQUIREMENTS OF A SECURITY BACKGROUND CHECK, AS DESIGNED

1 AND ADMINISTERED BY THE NEW YORK STATE OFFICE OF HOMELAND SECURITY AND
2 THE DIVISION OF STATE POLICE.

3 S 7. The sum of three hundred fifty thousand dollars (\$350,000), or so
4 much thereof as may be necessary, is hereby appropriated to the state
5 university of New York from any moneys in the state treasury in the
6 general fund to the credit of the state purposes account not otherwise
7 appropriated for the purposes of carrying out the provisions of section
8 725 of the executive law, as added by section five of of this act. Such
9 sum shall be payable on the audit and warrant of the state comptroller
10 on vouchers certified or approved by the commissioner of education, or
11 his or her duly designated representative in the manner provided by law.
12 No expenditure shall be made from this appropriation until a certificate
13 of approval of availability shall have been issued by the director of
14 the budget and filed with the state comptroller and a copy filed with
15 the chairman of the senate finance committee and the chairman of the
16 assembly ways and means committee. Such certificate may be amended from
17 time to time by the director of the budget and a copy of each such
18 amendment shall be filed with the state comptroller, the chairman of the
19 senate finance committee and the chairman of the assembly ways and means
20 committee.

21 S 8. This act shall take effect immediately, except that sections one,
22 two and three of this act shall take effect on the first of June next
23 succeeding the date on which this act shall have become a law.