STATE OF NEW YORK

6515

2021-2022 Regular Sessions

IN SENATE

May 4, 2021

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

AN ACT to amend the state technology law, in relation to cloud service utilization and readiness of state agencies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative intent. The legislature finds that New York must ensure that it continuously evaluates how information technology services are delivered to those who live and work in our state and that the services provided by the state must keep pace with the technical solutions and offerings in the marketplace. A key part of achieving this goal is to ensure that the state of New York aggressively incorporates the use of cloud technologies into state information technology service delivery models.

The legislature further finds that, as with any technology, cloud services must be implemented in a manner that continues to ensure the availability, security, and privacy of state and citizen data. This requires ongoing oversight and management, as well as reworked internal governance processes to ensure flexibility for state employees to deploy on-demand best-in-class solutions.

The legislature further finds that leveraging cloud services models will allow the state to: speed up delivery of business solutions through faster paths to production; provide flexible solutions capable of quickly adapting to new and changing business solutions; reduce operations and maintenance costs for basic needs such as power and real estate; provide transparency so that customers are more aware of what they receive for their money; provide service elasticity to support increased citizen needs at peak times; and provide a structure that allows for a more resilient environment in the case of a disaster or service outage.

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

LBD08513-01-1

§ 2. Section 101 of the state technology law is amended by adding a new subdivision 6 to read as follows:

6. "Cloud computing" means a model for enabling ubiquitous, convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction and which has the following characteristics: on-demand self-service, broad network access, resource pooling, rapid elasticity or expansion, and measured service.

§ 3. The state technology law is amended by adding a new section 103-b to read as follows:

§ 103-b. Cloud computing. 1. All state agencies shall utilize third-party, commercial cloud computing solutions for any new information technology or telecommunications investments on or before June thirtieth, two thousand twenty-two, except as otherwise provided in subdivision two of this section. Prior to selecting and implementing a cloud computing solution, a state agency shall evaluate:

(a) the ability of the cloud computing solution to meet relevant security and compliance requirements, leveraging defined federal authorization or accreditation programs to the fullest extent possible; and

(b) the portability of data should the state agency choose to discontinue use of such cloud service.

2. (a) The secretary to the governor, or his or her designee, may grant a waiver from the requirements of subdivision one of this section to an agency if there is a service requirement of such agency that prohibits the adoption of a cloud computing solution.

(b) An application for a waiver submitted by an agency shall include a written justification for not utilizing a cloud computing solution citing specific services or performance requirements of such agency.

(c) The secretary to the governor shall submit an annual report on all waiver applications received, including whether an application was granted, to appropriate committees of the legislature, as determined by such secretary, by December thirtieth.

3. State agencies are prohibited from installing and operating new servers, storage, networking, and related hardware in agency-operated facilities unless a waiver is granted by the secretary to the governor or his or her designee, or otherwise permitted by law.

4. Subject to the availability of amounts appropriated for this specific purpose, the director shall conduct a statewide cloud computing readiness assessment to prepare for the migration of core services to cloud services, including ways it can leverage cloud computing to reduce costs. Such assessment shall:

(a) inventory state agency assets, associated service contracts, and other relevant information;

(b) identify impacts to state agency staffing resulting from the migration to cloud computing including:

(i) skill gaps between current on-premises computing practices and how cloud services are procured, secured, administered, maintained and developed; and

(ii) necessary retraining and ongoing training and development to ensure state agency staff acquire and maintain the skills necessary to effectively maintain information security and understand changes to enterprise architectures; and

(c) identify additional resources needed by the office to enable cloud migration support to state agencies.

5. On or before June thirtieth, two thousand twenty-two, the director shall submit a report to the governor, the temporary president of the senate and the speaker of the assembly summarizing statewide cloud migration readiness and making recommendations for migration goals.

6. Subject to the availability of amounts appropriated for this purpose, the director shall oversee and provide technical specifications to the office of general services, which shall select, through a competitive bidding process, three cloud service providers capable of providing storage and computer services and to provide system migration support. The competitive bidding process shall be re-opened and contracts shall be renegotiated no less than every five years.

§ 4. This act shall take effect January 1, 2022.