§ 709. Division of homeland security and emergency services; creation; powers and duties. 1. There is hereby created within the executive department the division of homeland security and emergency services, which shall have and exercise the powers and duties set forth in this article. Any reference to the 'office of public security', the 'office of homeland security', the 'state emergency management office' or the 'office of fire prevention and control' in the laws of New York state, executive orders, or contracts entered into on behalf of the state shall be deemed to refer to the division of homeland security and emergency services.

2. The division shall have the power and duty to:

(a) oversee and coordinate the state's homeland security and comprehensive emergency management resources, subject to any laws, rules or regulations governing the budgeting and appropriation of funds;

(b) review homeland security and comprehensive emergency management policies, protocols and strategies of state agencies. The agencies shall include, but not be limited to, the state agencies included on the disaster preparedness commission as identified in section twenty-one of this chapter;

(c) develop policies, protocols and strategies, which may be used to prevent, detect, respond to and recover from terrorist acts or threats and other natural and man-made disasters, which for purposes of this section shall have the same meaning as defined in article two-B of this chapter;

(d) identify potential inadequacies in the state's policies, protocols and strategies to detect, respond to and recover from terrorist acts or threats and other natural and man-made disasters;

(e) undertake periodic drills and simulations designed to assess and prepare responses to terrorist acts or threats and other natural and man-made disasters;

(f) coordinate state resources for the collection and analysis of information relating to natural and man-made disasters throughout the state subject to any applicable laws, rules, or regulations;

(g) coordinate and facilitate information sharing among local, state, and federal agencies to ensure appropriate intelligence to assist in the early identification of and response to natural and man-made disasters,

subject to any applicable laws, rules, or regulations governing the release, disclosure or sharing of any such information;

(h) assess the preparedness of state and local public health systems to respond to terrorist acts and other natural and man-made disasters, including ensuring the availability of early warning systems designed to detect potential threats and determining adequacy and availability of necessary vaccines and pharmaceuticals and hospital capacity;

(i) coordinate strategies, protocols and first-responder equipment needs that may be used to monitor, detect, respond to and mitigate the consequences of a potential biological, chemical or radiological terrorist act or threat;

(j) work with local, state and federal agencies and private entities to conduct assessments of the vulnerability of critical infrastructure to terrorist attack, cyber attack, and other natural and man-made disasters, including, but not limited to, nuclear facilities, power plants, telecommunications systems, mass transportation systems, public roadways, railways, bridges and tunnels, and develop strategies that may be used to protect such infrastructure from terrorist attack, cyber attack, and other natural and man-made disasters;

(k) develop plans that may be used to promote rapid recovery from terrorist attacks and other natural and man-made disasters, to ensure prompt restoration of transportation, utilities, critical communications and information systems and to protect such infrastructure;

(l) develop plans that may be used to contain and remove hazardous materials used in a terrorist attack or released as a result of natural or man-made disaster;

(m) act as primary contact with the federal department of homeland security;

(n) adopt, promulgate, amend and rescind rules and regulations to effectuate the provisions and purposes of this article and the powers and duties of the division in connection therewith;

(o) consult with appropriate state and local governments, institutions of higher learning, first responders, health care providers and private entities as necessary to effectuate the provisions of this article, and work with those entities to establish, facilitate and foster cooperation to better prepare the state to prevent and respond to threats and acts of terrorism and other natural and man-made disasters;

(p) to serve as a clearinghouse for the benefit of municipalities regarding information relating to available federal, state and regional grant programs in connection with homeland security, disaster preparedness, communication infrastructure and emergency first responder services, and to promulgate rules and regulations necessary to ensure that grant information is timely posted on the division's website;

(q) request from any department, division, office, commission or other agency of the state or any political subdivision thereof, and the same are authorized to provide, such assistance, services and data as may be required by the division of homeland security and emergency services in carrying out the purposes of this article, subject to applicable laws, rules, and regulations;

(r) develop standards and a certification process for training programs for training of private security officers in commercial buildings which shall:

(i) improve observation, detection and reporting skills;

(ii) improve coordination with local police, fire and emergency services;

(iii) provide and improve skills in working with advanced security technology including surveillance and access control procedures;

(iv) require at least forty hours of training including three hours of training devoted to terrorism awareness; and

(v) have been certified as a qualified program by the division of homeland security and emergency services;

(s) work in consultation with or make recommendations to the commissioner of agriculture and markets in developing rules and regulations relating to ammonium nitrate security; and

(t) develop, maintain, and deploy state, regional and local all-hazard incident management teams.

(u) Notwithstanding article six-C of this chapter, or any other provision of law to the contrary, the division of homeland security and emergency services shall establish best practices regarding training and education for firefighters and first responders which shall include but not be limited to: minimum basic training for firefighters and first responders; in-service training and continuing education; and specialized training as it may apply to the specific duties of a category of emergency personnel.

3. The division of homeland security and emergency services shall consist of several offices including, but not limited to, the office of counterterrorism, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in section seven hundred nine-a of this article; the office of emergency management, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in article two-B of this chapter; the office of fire prevention and control, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in article six-C of this chapter and the office of interoperable and emergency communications, which shall have the powers, and be responsible for carrying out the duties, including but not limited to those set forth in section seven hundred seventeen of this article.

4. As set forth in section seven hundred ten of this article, the commissioner of the division of homeland security and emergency services shall be appointed by the governor, with the advice and consent of the senate, and hold office at the pleasure of the governor. The directors of the offices of counterterrorism, emergency management, fire prevention and control, and interoperable and emergency communications, and such other offices as may be established, shall be appointed by, and hold office at the pleasure of, the governor and they shall report to the commissioner of the division of homeland security and emergency services.

5. The directors of the offices of counterterrorism, emergency management, fire prevention and control, interoperable and emergency communications, and of such other offices as may be established, shall, in consultation with the commissioner, have the authority to promulgate rules and regulations to carry out the duties of their office, including the establishment of fees necessary to compensate for costs associated with the delivery of training and services.

6. The directors of the offices of counterterrorism, emergency management, fire prevention and control, interoperable and emergency

communications, and such other offices as may be established, shall have the authority to enter into contracts with any person, firm, corporation, municipality, or government entity.

7. Annual report of the division. The commissioner of the division of homeland security and emergency services shall, on or before January first in each year, submit to the governor, the temporary president of the senate, and the speaker of the assembly, a report concerning the performance of the division with respect to outreach to businesses, not-for-profit organizations, and the general public, which shall include information regarding the content and scope of seminars, conferences, surveys, programs, and other programmatic means of engaging such parties to identify and meet the needs of such parties with respect to emergency mitigation, preparedness, response, and recovery, and the participation of such parties therein.