

STATE OF NEW YORK

1068

2017-2018 Regular Sessions

IN SENATE

January 6, 2017

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law and the public health law, in relation to the protection of water supplies

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

1 Section 1. Section 711-b of the executive law, as added by a chapter
2 of the laws of 2016 amending the executive law and other laws relating
3 to the protection of water supplies, as proposed in legislative bills
4 numbers S.7601 and A.10129, is amended to read as follows:

5 § 711-b. Review of water supplier vulnerability analysis assessments.
6 The commissioner, or his or her designee, shall review each vulnerabili-
7 ty analysis assessment [~~from~~] prepared by a water supplier [~~transmitted~~
8 ~~to the division from the department of health~~] pursuant to section elev-
9 en hundred twenty-five of the public health law. The commissioner may
10 issue recommendations or general guidance to the water supplier based on
11 the assessment to enhance protections against a terrorist attack or
12 cyber attack. Such recommendations and guidance shall be kept confiden-
13 tial and shall be exempt from disclosure under article six of the public
14 officers law.

15 § 2. Paragraph (a) of subdivision 1 of section 1125 of the public
16 health law, as amended by a chapter of the laws of 2016 amending the
17 executive law and other laws relating to the protection of water
18 supplies, as proposed in legislative bills numbers S.7601 and A.10129,
19 is amended to read as follows:

20 (a) "Water supply emergency plan" shall mean a plan reviewed and
21 approved by the commissioner and filed with the department. The plan
22 shall follow a form which shall be specified by the department and which
23 shall include, but not be limited to, those items enumerated in this
24 section, and shall address those actions to be taken by a water supplier
25 to anticipate emergencies and respond responsibly to emergency situ-

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

LBD07087-01-7

1 ations. The department shall maintain a list of all water suppliers
2 required to [~~file~~] submit a water supply emergency plan pursuant to this
3 section.

4 § 3. Paragraph (k) of subdivision 2 of section 1125 of the public
5 health law, as amended by a chapter of the laws of 2016 amending the
6 executive law and other laws relating to the protection of water
7 supplies, as proposed in legislative bills numbers S.7601 and A.10129,
8 is amended to read as follows.

9 (k) a vulnerability analysis assessment, including an analysis of
10 vulnerability to terrorist attack[~~, including~~] and cyber attack, which
11 shall be made after consultation with local and state law enforcement
12 agencies.

13 § 4. Subdivision 5 of section 1125 of the public health law, as
14 amended by a chapter of the laws of 2016 amending the executive law and
15 other laws relating to the protection of water supplies, as proposed in
16 legislative bills numbers S.7601 and A.10129, is amended to read as
17 follows:

18 5. Every water supplier shall review, and if necessary, revise its
19 water supply emergency plan and report its findings to the commissioner
20 by December thirty-first, nineteen hundred ninety-five. Any water
21 supplier whose water supply emergency plan does not include an analysis
22 of vulnerability to terrorist attack[~~, including~~] and cyber attack,
23 shall initiate such an analysis by June first, two thousand seventeen,
24 and shall revise its emergency plan and report its findings to the
25 commissioner by January first, two thousand [~~seventeen~~] eighteen. Every
26 water supplier shall keep its water supply emergency plan up to date,
27 shall provide updated communication and notification information to the
28 commissioner by December thirty-first of every year, and shall submit
29 its water supply emergency plan to the commissioner for review at least
30 once every five years and within thirty days after major water facility
31 infrastructure changes have been made. The commissioner shall [~~transmit~~]
32 make available for review, following established security protocols, a
33 copy of each vulnerability analysis assessment from a water supplier to
34 the superintendent of state police, commissioner of the division of
35 homeland security and emergency services, and chief technology officer.

36 § 5. This act shall take effect on the same date and in the same
37 manner as a chapter of the laws of 2016 amending the executive law and
38 other laws relating to the protection of water supplies, as proposed in
39 legislative bills numbers S.7601 and A.10129, takes effect.