S T A T E O F N E W Y O R K

7699

I N S E N A T E

May 4, 2010

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

AN ACT establishing the New York state electromagnetic pulse critical infrastructure protection commission

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

Section 1. Commission established. A commission to be known as the New York state electromagnetic pulse critical infrastructure protection commission, hereafter referred to as the commission, is hereby established to identify any necessary steps that it believes should be taken by New York state to protect its civilian systems from an electromagnetic pulse (EMP) event. Such commission shall educate itself about EMP and EMP threats and vulnerabilities to New York state's infrastructures, gather facts as needed, make recommendations, and inform local agencies and governments about the hazards of natural and man-made EMP events. Furthermore, the commission shall assess the dangers from all EMP threats and this shall include developing a plan to protect the state from an EMP event, as well as responding to the aftermath and recovery after such an event.

S 2. Specifically, the commission shall:

1. study the findings and recommendations of the congressional commission to assess the threat to the United States of America from electromagnetic pulse attack (the EMP commission); the congressional commission on strategic posture of the United States regarding EMP, the national academy of sciences and the national fire protection association (NFPA) and other related EMP findings and materials that are available with regard to the following:

(a) the vulnerability of New York state's civilian systems to natural and man-made EMP events, giving special attention to the vulnerability of the civilian infrastructure as a matter of emergency preparedness;

(b) identify and assess the critical infrastructure within or impacting New York state that is vulnerable to EMP, whether natural or man-made, which at a minimum will include the following:

(i) infrastructure commonality;

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

LBD17122-01-0

(ii) electricity (including without limitation generation, the bulk power system, distribution, critical electrical and electrically dependent systems and components);
(iii) communications (including without limitation operations, emergency services, and keeping citizens informed);
(iv) banking and finance;
(v) petroleum and natural gas;
(vi) transportation;
(vii) food and water supplies;
(viii) waste water and sewage treatment;
(ix) emergency services (including but not limited to police, fire, health and medical facilities); and
(x) continuity of government;
(c) the capacity of New York state to protect against and repair and recover from damage inflicted on the civilian systems in and affecting New York state by an EMP;
2. analyze the feasibility and cost of hardening civilian infrastructure systems against EMP events, the costs impacting state and local government revenues if infrastructures remain unprotected, and the financial benefits of protecting the critical infrastructures;
3. review recommendations calling for the creation of micro-grids and make recommendations regarding the development, deployment and protection of micro-grids from EMP including:
(a) the use of local electricity generation sources; and
(b) the use of renewable and backup energy storage systems;
4. identify critical interoperable communications capabilities and determine means to keep them operable;
5. identify critical transformers, supervisory control and data acquisition (SCADA) devices, and other critical components, and recommend minimum "backup inventory" levels;
6. review opportunities where local and state agencies and the private sector can coordinate and cooperate to expedite mitigation of critical infrastructure vulnerabilities; and
7. develop and recommend a plan to prepare for, protect from, respond to and recover after EMP events, and make recommendations regarding the foregoing, including any suggested state action and legislation, as deemed appropriate, and any recommendations regarding the New York state public service commission and power utility authorities and companies taking action to protect the electrical power grid and supply/distribution systems from the effects of man-made and solar EMP.
S 3. This act shall take effect immediately.