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I N   S E N A T E

May 4, 2010

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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:

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

14     S 2. Specifically, the commission shall:

15     1. study the findings and recommendations of the congressional commis-  
16 sion to assess the threat to the United States of America from electro-  
17 magnetic pulse attack (the EMP commission); the congressional commission  
18 on strategic posture of the United States regarding EMP, the national  
19 academy of sciences and the national fire protection association (NFPA)  
20 and other related EMP findings and materials that are available with  
21 regard to the following:

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

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

28     (i) infrastructure commonality;

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

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