STATE OF NEW YORK

377

2017-2018 Regular Sessions

IN ASSEMBLY

January 5, 2017

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Governmental Operations

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:

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

§ 711-b. Review of water supplier vulnerability analysis assessments. The commissioner**, or his or her designee,** shall review each vulnerability analysis assessment [~~from~~] **prepared by** a water supplier [~~transmitted to the division from the department of health~~] pursuant to section eleven hundred twenty-five of the public health law. The commissioner may issue recommendations or general guidance to the water supplier based on the assessment to enhance protections against a terrorist attack or cyber attack. Such recommendations and guidance shall be kept confidential and shall be exempt from disclosure under article six of the public officers law.

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

(a) "Water supply emergency plan" shall mean a plan reviewed and approved by the commissioner and filed with the department. The plan shall follow a form which shall be specified by the department and which shall include, but not be limited to, those items enumerated in this section, and shall address those actions to be taken by a water supplier 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

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

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

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

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

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

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