

# 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.