

STATE OF NEW YORK

7364

2023-2024 Regular Sessions

IN ASSEMBLY

May 18, 2023

Introduced by M. of A. OTIS -- read once and referred to the Committee on Science and Technology

AN ACT to amend the executive law, in relation to the security and cyber security of certain critical infrastructure

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

1 Section 1. Subdivision 1 of section 713 of the executive law, as
2 amended by section 16 of part B of chapter 56 of the laws of 2010, is
3 amended to read as follows:
4 1. Notwithstanding any other provision of law, the commissioner of the
5 division of homeland security and emergency services shall conduct a
6 review and analysis of measures being taken by the public service
7 commission and any other agency or authority of the state or any poli-
8 tical subdivision thereof and, to the extent practicable, of any federal
9 entity, to protect the security, and cyber security, of critical infras-
10 tructure related to energy generation and transmission located within
11 the state. The commissioner of the division of homeland security and
12 emergency services shall have the authority to review any audits or
13 reports related to the security of such critical infrastructure, includ-
14 ing audits or reports conducted at the request of the public service
15 commission or any other agency or authority of the state or any poli-
16 tical subdivision thereof or, to the extent practicable, of any federal
17 entity. The owners and operators of such energy generating or trans-
18 mission facilities shall, in compliance with any federal and state
19 requirements regarding the dissemination of such information, provide
20 access to the commissioner of the division of homeland security and
21 emergency services to such audits or reports regarding such critical
22 infrastructure provided, however, that exclusive custody and control of
23 such audits and reports shall remain solely with the owners and opera-
24 tors of such energy generating or transmission facilities. For the
25 purposes of this article, the term "critical infrastructure" has the

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

LBD11392-01-3

1 meaning ascribed to that term in subdivision five of section eighty-six
2 of the public officers law.

3 § 2. Subdivision 1 of section 714 of the executive law, as amended by
4 section 17 of part B of chapter 56 of the laws of 2010, is amended to
5 read as follows:

6 1. Notwithstanding any other provision of law and subject to the
7 availability of an appropriation, the commissioner of the division of
8 homeland security and emergency services shall conduct a review and
9 analysis of measures being taken by the owners and operators of facili-
10 ties identified pursuant to paragraph (b) of subdivision two of this
11 section to protect the security, and cyber security, of critical infras-
12 tructure related to such facilities. The commissioner of the division of
13 homeland security and emergency services shall have the authority to
14 review all audits or reports related to the security of such critical
15 infrastructure, including all such audits or reports mandated by state
16 and federal law or regulation, including spill prevention reports and
17 risk management plans, audits and reports conducted at the request of
18 the department of environmental conservation or at the request of any
19 federal entity, or any other agency or authority of the state or any
20 political subdivision thereof, and reports prepared by owners and opera-
21 tors of such facilities as required in this subdivision. The owners and
22 operators of such facilities shall, in compliance with any federal and
23 state requirements regarding the dissemination of such information,
24 provide access to the commissioner of the division of homeland security
25 and emergency services to such audits and reports regarding such crit-
26 ical infrastructure provided, however, exclusive custody and control of
27 such audits and reports shall remain solely with the owners and opera-
28 tors of such facilities to the extent not inconsistent with any other
29 law. For the purposes of this section, the term "critical infrastruc-
30 ture" has the meaning ascribed to that term in subdivision five of
31 section eighty-six of the public officers law.

32 § 3. Subdivision 1 of section 716 of the executive law, as amended by
33 section 19 of part B of chapter 56 of the laws of 2010, is amended to
34 read as follows:

35 1. Notwithstanding any other provision of law, the commissioner of the
36 division of homeland security and emergency services shall conduct a
37 review and analysis of measures being taken by any other agency or
38 authority of the state or any political subdivision thereof and, to the
39 extent practicable, of any federal entity, to protect the security, and
40 cyber security, of critical infrastructure related to commercial
41 aviation fuel, petroleum and natural gas transmission facilities and
42 pipelines in this state which are not located upon the premises of a
43 commercial airport. As deemed appropriate by such commissioner, the
44 division of homeland security and emergency services shall have the
45 authority to physically inspect the premises and review any audits or
46 reports related to the security of such critical infrastructure, includ-
47 ing audits or reports conducted at the request of any other agency or
48 authority of the state or any political subdivision thereof or, to the
49 extent practicable, of any federal entity. The operators of such commer-
50 cial aviation fuel, petroleum or natural gas transmission facilities and
51 pipelines shall, in compliance with any federal and state requirements
52 regarding the dissemination of such information, provide access to the
53 commissioner of the division of homeland security and emergency services
54 to such audits or reports regarding such critical infrastructure
55 provided, however, that exclusive custody and control of such audits and
56 reports shall remain solely with the operators of such commercial

1 aviation fuel, petroleum or natural gas transmission facilities and
2 pipelines. For the purposes of this article, the term "critical infras-
3 tructure" has the meaning ascribed to that term in subdivision five of
4 section eighty-six of the public officers law.
5 § 4. This act shall take effect immediately.