

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 284 Session of 2019

INTRODUCED BY KILLION, K. WARD, YUDICHAK, BREWSTER, LEACH, TARTAGLIONE AND DINNIMAN, JUNE 17, 2019

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, JUNE 19, 2019

AN ACT

1 Amending the act of November 29, 2006 (P.L.1435, No.156),
2 entitled "An act relating to confidential security
3 information of public utilities; and imposing penalties,"
4 further providing for definitions; providing for pipeline
5 operation and emergency response plans; and further providing
6 for prohibition.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 2 of the act of November 29, 2006
10 (P.L.1435, No.156), known as the Public Utility Confidential
11 Security Information Disclosure Protection Act, is amended by
12 adding definitions to read:

13 Section 2. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 * * *

18 "Gas." As defined in 49 CFR 192.3 (relating to definitions).

19 "Hazardous liquid." As defined in 49 CFR 195.2 (relating to

1 definitions).

2 * * *

3 "Transmission." The transportation, other than gathering, of
4 gas through a transmission line as that term is defined in 49
5 CFR 192.3 or of hazardous liquids through a pipeline as that
6 term is defined in 49 CFR 195.2.

7 * * *

8 Section 2. The act is amended by adding a section to read:

9 Section 4.1. Pipeline operation and emergency response plans.

10 (a) General rule.--A public utility, EXCLUDING A NATURAL GAS <--
11 DISTRIBUTION COMPANY AS DEFINED IN 66 PA.C.S. § 2202 (RELATING
12 TO DEFINITIONS), operating facilities for the transmission of
13 gas or hazardous liquids which provides an operation and
14 emergency response plan containing confidential security
15 information to the Pennsylvania Public Utility Commission under
16 section 4 shall maintain a complete, accurate and up-to-date
17 version of the operation and emergency response plan on file
18 with the Pennsylvania Public Utility Commission.

19 (b) Definition.--As used in this section, the term
20 "operation and emergency response plan" means the information
21 required under 49 CFR 195.402 (relating to procedural manual for
22 operations, maintenance, and emergencies) and an emergency plan
23 as provided under 49 CFR 192.615 (relating to emergency plans).

24 Section 3. Section 5(b) of the act is amended and the
25 section is amended by adding a subsection to read:

26 Section 5. Prohibition.

27 * * *

28 (b) Exception.--Notwithstanding subsection (a), [an] the
29 following shall apply:

30 (1) An agency may, after notification and consultation

1 with the public utility, disclose a public utility record or
2 portion thereof which contains confidential security
3 information, in accordance with the provisions of this act,
4 that is necessary for construction, renovation or remodeling
5 work on any public building or project. Release or disclosure
6 of such records or portions thereof for these purposes does
7 not constitute prohibited disclosure under subsection (a) and
8 does not result in such records or portions thereof becoming
9 public records subject to the provisions of the act of June
10 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know
11 Law.

12 (2) The Pennsylvania Public Utility Commission may,
13 after notification and consultation with a public utility, <--
14 EXCLUDING A NATURAL GAS DISTRIBUTION COMPANY AS DEFINED IN 66
15 PA.C.S. § 2202 (RELATING TO DEFINITIONS), operating
16 facilities for the transmission of gas or hazardous liquids,
17 disclose an operation and emergency response plan or portion
18 thereof which contains confidential security information, in
19 accordance with the provisions of this act, that is necessary
20 for a county emergency management agency director to fulfill
21 their obligations under 35 Pa.C.S. (relating to health and
22 safety).

23 (3) The disclosure permitted under paragraph (2) shall
24 be made only after the county emergency management agency
25 director, with authority to bind the county emergency
26 management agency, agrees to and signs a nondisclosure
27 agreement which, in the judgment of the Pennsylvania Public
28 Utility Commission, contains adequate protections against the
29 unauthorized or inadvertent disclosure of confidential
30 security information.

1 (c) Definition.--As used in this section, the term
2 "operation and emergency response plan" means the information
3 required under 49 CFR 195.402 (relating to procedural manual for
4 operations, maintenance, and emergencies) and an emergency plan
5 as provided under 49 CFR 192.615 (relating to emergency plans).

6 Section 4. This act shall take effect in 60 days.