

LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 1/11/17)

No. _____

Legislative Reference Bureau

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in emergency management services, providing for counterterrorism planning, preparedness and response; in Emergency Management Assistance Compact, providing for construction; and making repeals.

INTRODUCED _____

By Miller, Dan L. District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on

Date _____

Reported _____

As Committed-Amended

Recomendation

By Hon. _____

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in emergency management services,
3 providing for counterterrorism planning, preparedness and
4 response; in Emergency Management Assistance Compact,
5 providing for construction; and making repeals.

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

8 Section 1. Title 35 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 72

11 COUNTERTERRORISM PLANNING, PREPAREDNESS AND RESPONSE

12 Subchapter

13 A. Preliminary Provisions

14 B. Counterterrorism Planning, Preparedness and Response

15 SUBCHAPTER A

16 PRELIMINARY PROVISIONS

17 Sec.

18 7201. Scope of chapter.

19 7202. Definitions.

1 § 7201. Scope of chapter.

2 This chapter relates to counterterrorism planning,
3 preparedness and response.

4 § 7202. Definitions.

5 The following words and phrases when used in this chapter
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Disaster medical assistance team." A complement of
9 individuals organized in accordance with standards developed by
10 the agency and applicable Federal agencies to provide medical
11 service at the scene of disasters and mass casualty incidents.

12 "Disaster mortuary response team." A complement of
13 individuals organized in accordance with standards developed by
14 the agency and applicable Federal agencies to provide mortuary
15 service at the scene of disasters and mass casualty incidents.

16 "FEMA." The Federal Emergency Management Agency.

17 "Letter of agreement." A written agreement between a
18 regional counterterrorism task force and a public, semipublic,
19 private or nonprofit corporation, business, association,
20 partnership, authority, individual or other entity that provides
21 for:

22 (1) Personnel, equipment, supplies, training facilities
23 or other resources either directly to or in support of the
24 task force's specialized regional counterterrorism response
25 team.

26 (2) Workers' compensation and death benefits.

27 (3) Use of county 911 communications centers, county
28 emergency management agencies or the State emergency
29 operations center.

30 (4) Member participation in training exercises, drills

1 and actual activation and deployment.

2 "Municipal" or "municipality." A city, borough, incorporated
3 town, township or home rule municipality of this Commonwealth.

4 "Mutual aid." A county's, municipality's or volunteer
5 service organization's affirmative act of sending its personnel,
6 equipment or resources to the scene of an actual or potential
7 disaster, whether inside or outside the boundaries of this
8 Commonwealth, in response to an official dispatch request from a
9 county 911 communications center, county emergency management
10 agency or the State emergency operations center.

11 "Mutual aid agreement." A written agreement between a
12 regional counterterrorism task force and a county, municipality
13 or volunteer service organization that provides for:

14 (1) The county, municipality or volunteer service
15 organization to provide personnel, equipment or other
16 resources in response to an actual or potential disaster.

17 (2) Workers' compensation and death benefits.

18 (3) Use of county 911 communications centers, county
19 emergency management agencies or the State emergency
20 operations center.

21 (4) Member participation in training exercises, drills
22 and actual activation and deployment.

23 "NIMS." The National Incident Management System.

24 "Regional counterterrorism task force." A complement of
25 Federal, State, county and municipal emergency management,
26 health, law enforcement, public safety and other officials and
27 representatives from volunteer service organizations, private
28 business and industry, hospitals and medical care facilities and
29 other entities within a multicounty area as determined by the
30 agency that is responsible for conducting counterterrorism

1 planning, training preparedness and response activities.

2 "Specialized regional counterterrorism response team." As
3 follows:

4 (1) A complement of individuals established by a
5 regional counterterrorism task force and organized in
6 accordance with standards developed by the agency and
7 applicable Federal agencies to respond to emergencies
8 involving an actual or potential disaster.

9 (2) The term includes a disaster medical assistance team
10 and disaster mortuary response team.

11 "Specialized Statewide response team." As follows:

12 (1) A complement of individuals organized by the
13 Commonwealth to provide specialized personnel, equipment and
14 other support capabilities in response to an actual or
15 potential disaster in this Commonwealth.

16 (2) The term includes a disaster medical assistance team
17 and disaster mortuary response team.

18 "Urban search and rescue task force." A multidisciplined
19 complement of individuals organized by the agency in accordance
20 with standards developed by the agency and FEMA to provide
21 emergency response and search and rescue capabilities and
22 resources at the scene of a disaster consistent with NIMS
23 guidelines.

24 "Volunteer service organization." A volunteer fire company,
25 volunteer ambulance or medical company, volunteer rescue squad
26 or any other volunteer entity organized and chartered or
27 incorporated in this Commonwealth or chartered by the Congress
28 of the United States for the primary purpose of providing
29 emergency services as defined in section 7102 (relating to
30 definitions).

1 (2) Provide training and technical assistance for
2 counterterrorism planning, preparedness and response.

3 (3) Establish guidelines and policies to coordinate
4 emergency response activities with Federal, State, county and
5 municipal emergency management, health, law enforcement,
6 public safety and other officials and representatives from
7 volunteer service organizations, private business and
8 industry, hospitals and medical care facilities and other
9 entities responsible for the health, safety and welfare of
10 the residents of this Commonwealth. The agency shall consult
11 with representatives of the regional counterterrorism task
12 forces to develop such policies and guidelines necessary to
13 carry out this chapter.

14 (4) Require the regional counterterrorism task forces to
15 prepare counterterrorism emergency response plans or
16 protocols, readiness evaluation reports or other documents
17 deemed necessary by the agency.

18 (5) Provide grants and other funding assistance as
19 required by this chapter.

20 (6) Conduct terrorist incident exercises.

21 (7) Provide technical assistance to regional
22 counterterrorism task forces in developing and entering into
23 mutual aid agreements and letters of agreement.

24 (8) Establish a certification program for specialized
25 regional counterterrorism response teams that may include
26 standards for the administration, composition, training and
27 equipping of the teams.

28 § 7212. Regional counterterrorism task forces.

29 (a) Establishment.--The agency, in coordination with State,
30 county and municipal emergency management, health, law

1 enforcement, public safety and other officials and
2 representatives from volunteer service organizations, private
3 business and industry, hospitals and medical care facilities and
4 other entities responsible for the health, safety and welfare of
5 the residents of this Commonwealth, shall establish regional
6 counterterrorism task forces throughout this Commonwealth.

7 (b) Response plans.--A regional counterterrorism task force
8 shall prepare a counterterrorism preparedness and response plan
9 in accordance with guidelines developed by the agency. The
10 agency shall review and approve each plan in a timely manner,
11 but no later than 90 days after its submission to the agency.
12 The task force shall review and update the plan on an annual
13 basis.

14 (c) Meetings.--Regional counterterrorism task force meetings
15 that are called to discuss sensitive or classified law
16 enforcement, terrorist threat assessment or other confidential
17 public and private facility safety information shall not be
18 deemed a public record subject to disclosure under 65 Pa.C.S.
19 Ch. 7 (relating to open meetings).

20 § 7213. Regional counterterrorism response and preparedness.

21 (a) Specialized regional counterterrorism response teams.--A
22 regional counterterrorism task force shall establish specialized
23 regional counterterrorism response teams.

24 (b) Regional counterterrorism response zones.--The agency
25 shall establish primary and secondary regional response zones
26 within this Commonwealth for specialized regional
27 counterterrorism response teams. The regional response zones may
28 consist of multiple counties or portions of several adjoining
29 counties as determined by the agency.

30 (c) Activation and deployment.--A specialized regional

1 counterterrorism response team may be activated and deployed
2 inside or outside this Commonwealth by the Governor, the
3 Governor's designee or an official designated by the appropriate
4 regional counterterrorism task force.

5 § 7214. Urban search and rescue task forces.

6 (a) Establishment.--The agency shall establish urban search
7 and rescue task forces, including:

8 (1) At least one urban search and rescue task force
9 organized by the Commonwealth within a regional
10 counterterrorism task force covering a county of the first
11 class that meets or exceeds the minimum requirements of a
12 Type 1 urban search and rescue task force as designated by
13 FEMA in the NIMS guidelines.

14 (2) At least one urban search and rescue task force
15 organized by the Commonwealth within a regional
16 counterterrorism task force covering a county of the second
17 class, which shall be called Pennsylvania Task Force 2 (PA-
18 TF2) and, no later than January 1, 2026, shall meet or exceed
19 the minimum requirements of a Type 3 urban search and rescue
20 task force as designated by FEMA in the NIMS guidelines, as
21 certified by the agency.

22 (b) Support.--The task forces shall also provide
23 professional, logistical, material and other forms of support to
24 regional counterterrorism task forces and specialized regional
25 counterterrorism response teams.

26 (c) Organization.--An urban search and rescue task force
27 shall be organized in accordance with guidelines developed by
28 the agency in coordination with FEMA and members of the task
29 force.

30 (d) Responsibilities.--An urban search and rescue task force

1 shall respond to actual or potential disasters in this
2 Commonwealth and shall also perform search and rescue functions
3 as delineated in The Robert T. Stafford Disaster Relief and
4 Emergency Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et
5 seq.), the Federal Response Plan or its successor, Emergency
6 Management Assistance Compact missions under Chapter 76
7 (relating to Emergency Management Assistance Compact), as
8 requested, and the counterterrorism preparedness and response
9 plans created in accordance with this chapter.

10 (e) Activation and deployment.--

11 (1) An urban search and rescue task force or any of its
12 components, subgroups or regional elements may only be
13 activated and deployed to the scene of a disaster by either:

14 (i) the Governor or the Governor's designee; or

15 (ii) the President of the United States or a FEMA-
16 designated official.

17 (2) During an activation and deployment by the Governor,
18 the administrative and operational costs of the task force,
19 its individual members and their employers, State agencies
20 and other parties shall be paid under the Governor's
21 declaration of disaster emergency, including paying or
22 reimbursing any parties for workers' compensation and death
23 benefits in the event of injury or death of an urban search
24 and rescue task force member.

25 (f) Workers' compensation and death benefits.--A member of
26 an urban search and rescue task force shall be eligible to
27 receive workers' compensation and death benefits in the event of
28 injury or death that occurs during the period of activation or
29 deployment.

30 (g) Funding, grants and donations.--In addition to money

1 that is provided to a task force under section 7216 (relating to
2 grant program) or the authority of section 1508 of the act of
3 April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, the
4 urban search and rescue task force may be eligible to receive
5 grants, donations of equipment and supplies and other funds from
6 any source. As an agent of the Commonwealth, an urban search and
7 rescue task force or regional counterterrorism task force is
8 entitled to tax-exempt status from the Federal Government.
9 § 7215. Specialized Statewide response teams.

10 (a) Establishment.--The Commonwealth may establish one or
11 more specialized Statewide response teams. These specialized
12 statewide response teams shall also provide professional,
13 logistical, material and other forms of support to the regional
14 counterterrorism task forces and specialized regional
15 counterterrorism response teams organized in this Commonwealth.
16 The Commonwealth may enter into an agreement with a One Call
17 System as defined in the act of December 10, 1974 (P.L.852,
18 No.287), referred to as the Underground Utility Line Protection
19 Law, for the provision of specialized communications services.

20 (b) Organization and responsibilities.--Specialized
21 Statewide response teams shall be organized in accordance with
22 guidelines developed by the Commonwealth in consultation with
23 applicable Federal or State agencies.

24 (c) Activation.--Specialized Statewide response teams may
25 only be activated and deployed to the scene of a disaster by the
26 Governor, the Governor's designee or an official designated by
27 the appropriate regional counterterrorism task force.

28 § 7216. Grant program.

29 (a) Authorization.--The agency may make grants to regional
30 counterterrorism task forces, specialized regional

1 counterterrorism response teams, specialized Statewide response
2 teams and urban search and rescue task forces to assist them in
3 carrying out this chapter, including entering into letters of
4 agreement or mutual aid agreements or providing mutual aid.

5 (b) Grants and funding.--Regional counterterrorism task
6 forces, specialized regional counterterrorism response teams,
7 specialized Statewide response teams and urban search and rescue
8 task forces may receive grants and funding from the Federal
9 Government and the Commonwealth through application to the
10 agency or other entity providing grants or funding for the
11 purposes of this chapter.

12 (c) Limitation.--Grants shall only be made by the agency to
13 the extent that funding is available.

14 § 7217. Miscellaneous provisions.

15 (a) Immunity from liability.--The provisions of 42 Pa.C.S. §
16 8331 (relating to medical good Samaritan civil immunity), 8332
17 (relating to emergency response provider and bystander good
18 Samaritan civil immunity) or 8332.4 (relating to volunteer-in-
19 public-service negligence standard) shall apply to a member of a
20 specialized regional counterterrorism response team, an urban
21 search and rescue task force or a specialized Statewide response
22 team and an individual who provides logistical, material or
23 other forms of emergency response support to a team or task
24 force during activation or deployment of a team or task force to
25 a potential or actual disaster or while engaged in a task force
26 or team drill or training exercise.

27 (b) Effect on workers' compensation premiums.--Nothing in
28 this chapter shall be construed to permit an insurer to raise
29 workers' compensation premiums due to the participation or
30 membership of a county, municipality, volunteer service

1 organization, individual or employer on a regional
2 counterterrorism task force, specialized regional
3 counterterrorism response team, specialized Statewide response
4 team or urban search and rescue task force.

5 § 7218. Commonwealth indemnification.

6 The Commonwealth shall indemnify a county or municipality for
7 costs related to damaged county or municipal property that
8 results from participation in a regional counterterrorism task
9 force, specialized regional counterterrorism response team or
10 specialized Statewide response team response only when all of
11 the following conditions are met:

12 (1) The county or municipality is responding upon
13 activation or deployment by the Governor.

14 (2) The damage to county or municipal property occurs
15 outside of the primary regional counterterrorism response
16 zone.

17 (3) The county's or municipality's insurance does not
18 cover the property damage.

19 (4) The property damage was not caused by the willful
20 misconduct of the county or municipality or any of its
21 employees or agents.

22 Section 2. Title 35 is amended by adding a section to read:

23 § 7605. Construction.

24 For purposes of Article VI of the compact, "officers or
25 employees of a party state" shall be construed to include urban
26 search and rescue task forces as defined in section 7202
27 (relating to definitions) that are assets of the Federal
28 Emergency Management Agency or Pennsylvania Emergency Management
29 Agency and the components, subgroups and regional elements of
30 the task forces based in this Commonwealth.

1 Section 3. Repeals are as follows:

2 (1) The General Assembly finds that the repeals under
3 paragraphs (2) and (3) are necessary to effectuate the
4 addition of 35 Pa.C.S. Ch. 72.

5 (2) The definitions, excluding the definitions of
6 "department" and "local health department," in section 102 of
7 the act of December 16, 2002 (P.L.1967, No.227), known as the
8 Counterterrorism Planning, Preparedness and Response Act, are
9 repealed.

10 (3) Chapter 2 of the Counterterrorism Planning,
11 Preparedness and Response Act, is repealed.

12 Section 4. The addition of 35 Pa.C.S. Ch. 72 is a
13 continuation of Chapter 2 of the act of December 16, 2002
14 (P.L.1967, No.227), known as the Counterterrorism Planning,
15 Preparedness and Response Act. The following apply:

16 (1) Except as otherwise provided in 35 Pa.C.S. Ch. 72,
17 all activities initiated under Chapter 2 of the
18 Counterterrorism Planning, Preparedness and Response Act,
19 shall continue and remain in full force and effect and may be
20 completed under 35 Pa.C.S. Ch. 72. Orders, regulations, rules
21 and decisions which were made under Chapter 2 of the
22 Counterterrorism Planning, Preparedness and Response Act and
23 which are in effect on the effective date of this section
24 shall remain in full force and effect until revoked, vacated
25 or modified under 35 Pa.C.S. Ch. 72. Contracts, obligations
26 and collective bargaining agreements entered into under
27 Chapter 2 of the Counterterrorism Planning, Preparedness and
28 Response Act are not affected nor impaired by the repeal of
29 Chapter 2 of the Counterterrorism Planning, Preparedness and
30 Response Act.

1 (2) Except as specified in paragraph (3), any difference
2 in language between 35 Pa.C.S. Ch. 72 and Chapter 2 of the
3 Counterterrorism Planning, Preparedness and Response Act is
4 intended only to conform to the style of the Pennsylvania
5 Consolidated Statutes and is not intended to change or affect
6 the legislative intent, judicial construction or
7 administration and implementation of Chapter 2 of the
8 Counterterrorism Planning, Preparedness and Response Act.

9 (3) Paragraph (2) does not apply to the addition of the
10 following provisions:

11 (i) The definitions of "NIMS" and "urban search and
12 rescue task force" in 35 Pa.C.S. § 7202.

13 (ii) 35 Pa.C.S. § 7212(b).

14 (iii) 35 Pa.C.S. § 7214(a), (b), (d) and (g).

15 (iv) 35 Pa.C.S. § 7215(c).

16 Section 5. This act shall take effect in 60 days.