
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1989 Session of
2007

INTRODUCED BY WANSACZ, SHIMKUS, PASHINSKI, K. SMITH, ARGALL,
BELFANTI, BENNINGHOFF, BIANCUCCI, BOBACK, BRENNAN, BUXTON,
CARROLL, COHEN, CONKLIN, CURRY, DALLY, DeLUCA, DePASQUALE,
DeWEESE, EACHUS, FREEMAN, GEORGE, GERGELY, GIBBONS, GOODMAN,
GRUCELA, HALUSKA, HARHAI, HENNESSEY, JAMES, KORTZ, KOTIK,
KULA, LEACH, LEVDANSKY, MAHONEY, MAJOR, MANN, McCALL,
McILHATTAN, McILVAINE SMITH, MELIO, MILLARD, MUNDY, MYERS,
PEIFER, PETRONE, PICKETT, PYLE, RAMALEY, READSHAW, SCAVELLO,
SCHRODER, SEIP, SHAPIRO, SIPTROTH, STABACK, SURRA, TANGRETTI,
R. TAYLOR, WAGNER, J. WHITE, YOUNGBLOOD, YUDICHAK, FABRIZIO
AND THOMAS, OCTOBER 30, 2007

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, OCTOBER 30, 2007

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in Commonwealth services, providing
3 for the Pennsylvania Flood Grant and Assistance Program.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Chapter 73 of Title 35 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER C

9 PENNSYLVANIA FLOOD GRANT AND ASSISTANCE PROGRAM

10 Sec.

11 7331. Definitions.

12 7332. Pennsylvania Flood Grant and Assistance Program.

13 7333. Pennsylvania Flood Assistance Fund.

1 7334. Insurance surcharge.

2 7335. Regulations.

3 7336. Expiration.

4 § 7331. Definitions.

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

8 "Business-owner's insurance." An insurance policy purchased
9 by a business owner to insure business property from damage.

10 "Fund." The Pennsylvania Flood Assistance Fund established
11 under this subchapter.

12 "Homeowner's insurance." An insurance policy purchased by a
13 homeowner, including the owner of a condominium or a mobile
14 home, to insure the home or its contents from damage. The term
15 also includes insurance purchased by a tenant to insure the
16 contents of the tenant's residence.

17 "Program." The Pennsylvania Flood Grant and Assistance
18 Program established under this subchapter.

19 § 7332. Pennsylvania Flood Grant and Assistance Program.

20 (a) Establishment.--The Pennsylvania Flood Grant and
21 Assistance Program is established within the agency to provide
22 grants for flood prevention and for assistance with repair of
23 flood-related damage.

24 (b) Flood prevention grants.--

25 (1) The agency shall coordinate with the Department of
26 Environmental Protection to develop a program that awards
27 grants to individuals, businesses or municipalities for flood
28 prevention projects. Flood prevention projects may include:

29 (i) construction of, improvements to or maintenance
30 of dams, reservoirs or levees; or

1 (ii) stabilization or restoration of stream beds,
2 banks or channels.

3 (2) The grant program shall provide funds for projects
4 approved by the Department of Environmental Protection that
5 are not otherwise receiving Commonwealth funds.

6 (c) Flood repair assistance.--

7 (1) The agency shall coordinate with the Department of
8 Community and Economic Development to develop a program that
9 awards grants to individuals, businesses or municipalities
10 for assistance with repair of flood-related damage. The
11 assistance may be used for:

12 (i) repair of damage to residences, businesses or
13 municipal buildings; or

14 (ii) repair of damage to roads, bridges, parks or
15 other municipal facilities.

16 (2) Assistance provided under this subsection shall be
17 limited to repairing damage caused by a flood for which no
18 Federal declaration of disaster is made.

19 (3) The assistance shall supplement any coverage through
20 the homeowner's or businesses-owner's insurance policy, and
21 the agency shall ensure that the program's application
22 process establishes that the homeowner's or business-owner's
23 policy is the payer of first resort.

24 § 7333. Pennsylvania Flood Assistance Fund.

25 (a) Establishment.--The Pennsylvania Flood Assistance Fund
26 is established within the State Treasury. All moneys received by
27 the State Treasurer from the Department of Revenue arising from
28 the surcharge imposed in section 7334 (relating to insurance
29 surcharge) shall be credited to the fund.

30 (b) Continuing appropriation.--The moneys in the fund are

1 appropriated on a continuing basis to the agency for
2 distribution to the Department of Environmental Protection or
3 the Department of Community and Economic Development for grants
4 under the program.

5 (c) Use of funds.--Moneys in the fund shall be used
6 exclusively for the purposes set forth in this subchapter and
7 shall not be diverted to any other fund.

8 § 7334. Insurance surcharge.

9 (a) Imposition.--An annual surcharge of \$1 is imposed on
10 each homeowner's insurance policy and each business-owner's
11 insurance policy issued in this Commonwealth. This surcharge is
12 a charge additional to the premium for each insurance policy,
13 but nonpayment of the surcharge may provide just cause for
14 cancellation of the policy.

15 (b) Deposit into fund.--The surcharge shall be collected by
16 each insurer issuing homeowner's or businesses-owner's insurance
17 policies, and it shall be remitted to the Department of Revenue
18 quarterly on dates determined by the department for deposit into
19 the fund.

20 § 7335. Regulations.

21 The agency, in consultation with the Department of
22 Environmental Protection, the Department of Community and
23 Economic Development or the Department of Revenue, shall
24 promulgate any regulations necessary to implement the program.

25 § 7336. Expiration.

26 This subchapter shall expire on the sixth anniversary of the
27 effective date of this section. At that time, any moneys in the
28 fund that have not been committed to a specific grant or
29 assistance under the program shall be transferred to the General
30 Fund.

1 Section 2. This act shall take effect in 180 days.