

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1892 Session of
2011

INTRODUCED BY PAYNE, GEIST, BARRAR, BROOKS, FARRY, HESS,
HORNAMAN, KAUFFMAN, MARSHALL, MILLARD, MURT, PETRI, SWANGER
AND VULAKOVICH, DECEMBER 12, 2011

REFERRED TO COMMITTEE ON APPROPRIATIONS, DECEMBER 12, 2011

AN ACT

1 Establishing and making an appropriation for the Flood Victims
2 Assistance Program; and providing for the deposit of liquor
3 tax revenues into the Flood Victims Assistance Account.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Flood Victims
8 Assistance Act.

9 Section 2. Definitions.

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

13 "Account." The Flood Victims Assistance Account established
14 under section 4.

15 "Adjusted loss." The difference between:

16 (1) eligible loss; and

17 (2) covered loss.

18 "Agency." The Pennsylvania Emergency Management Agency.

1 "Covered loss." Any amount received by or due the recipient
2 from private insurance and Federal grants and loans, including
3 applicable State matching funds, on account of an eligible loss.
4 The term does not include an insurance deductible paid by the
5 recipient.

6 "Eligible loss." Flood damage caused by Hurricane Irene and
7 Tropical Storm Lee or any other natural disaster to real
8 property utilized as a primary residence of the owner or
9 personal property that is eligible for individual or family
10 assistance under The Robert T. Stafford Disaster Relief and
11 Emergency Assistance Act (Public Law 93-288, 88 Stat. 143). This
12 paragraph does not include an item used principally for
13 recreational purposes.

14 "Liquor tax." The tax imposed under the act of June 9, 1936
15 (1st Sp.Sess., P.L.13, No.4), entitled "An act imposing an
16 emergency State tax on liquor, as herein defined, sold by the
17 Pennsylvania Liquor Control Board; providing for the collection
18 and payment of such tax; and imposing duties upon the Department
19 of Revenue and the Pennsylvania Liquor Control Board."

20 "Program." The Flood Victims Assistance Program established
21 under section 5.

22 Section 3. Powers and duties of agency.

23 The agency shall have the following duties and
24 responsibilities:

25 (1) Administer the program under section 5 pursuant to
26 guidelines developed by the agency.

27 (2) Develop a plan to publicize the program in those
28 areas most severely affected by Hurricane Irene and Tropical
29 Storm Lee or any other natural disaster.

30 Section 4. Restricted account.

1 (a) Establishment.--A restricted account is hereby
2 established in the State Treasury to be known as the Flood
3 Victims Assistance Program Account. The account shall be for the
4 purpose of making grants that shall be provided by the agency to
5 individuals and families eligible for assistance under the
6 program authorized under section 5 for losses associated with
7 Hurricane Irene and Tropical Storm Lee or any other natural
8 disaster.

9 (b) Transfer.--The Department of Revenue shall transfer the
10 revenue received by the Commonwealth pursuant to the imposition
11 of the liquor tax from the General Fund to the account.

12 (c) Appropriation.--Moneys transferred to the account are
13 hereby appropriated from the account for the payment of grants
14 authorized under section 5.

15 (d) Construction.--This section shall be liberally construed
16 to secure all available Federal funding for individual and
17 family assistance. Nothing in this subsection may supplant or
18 replace any funds otherwise available from the Federal
19 Government.

20 Section 5. Flood Victims Assistance Program.

21 (a) Establishment.--There is hereby established the Flood
22 Victims Assistance Program.

23 (b) Eligibility.--To be eligible for a grant, an individual
24 must meet all of the following:

25 (1) Suffer eligible loss.

26 (2) Not be entitled to compensation for the eligible
27 loss under eminent domain proceedings.

28 (3) Have applied to the Federal Government for
29 individual or family assistance under The Robert T. Stafford
30 Disaster Relief and Emergency Assistance Act (Public Law

93-288, 88 Stat. 143) and have received the maximum total allowable amount pursuant to Federal law.

(c) Procedure.--

(1) An individual must apply for a grant under this section on a form furnished by the agency, setting forth the facts establishing eligibility. An application under this paragraph is subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(2) The agency shall investigate the application to determine eligibility.

(3) Within 60 days of receipt of the application, the agency shall make an eligibility determination. An eligibility determination under this paragraph is a final order of the agency subject to review under 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(4) Failure of the agency to comply with the time requirement of paragraph (3) shall be deemed a determination of eligibility.

(d) Grants.--

(1) For each recipient determined to be eligible under subsection (c)(3) or (4), the agency shall determine the adjusted loss.

(2) The maximum grant allowed from the account is \$10,000.

Section 6. Use of funds by Department of Transportation.

In the event that a natural disaster causes major damage to roadways and bridges in this Commonwealth, the Department of Transportation may use not more than 50% of the moneys in the account for the roadway and bridge repair.

1 Section 7. Effective date.

2 This act shall take effect immediately.