
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2743 Session of
2018

INTRODUCED BY KULIK, SOLOMON, YOUNGBLOOD, A. DAVIS, RAVENSTAHL,
READSHAW, NEILSON, HILL-EVANS, DeLUCA, D. COSTA AND DEASY,
OCTOBER 18, 2018

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, OCTOBER 18, 2018

AN ACT

1 Establishing the Landslide Insurance and Assistance Program
2 within the Pennsylvania Emergency Management Agency;
3 providing for related powers and duties of the Pennsylvania
4 Emergency Management Agency; establishing and providing for
5 the powers and duties of the Landslide Insurance and
6 Assistance Board; providing for duties of the Auditor
7 General; establishing the Landslide Insurance Fund and the
8 Landslide Assistance Fund; imposing a penalty; and making
9 appropriations.

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29 Section 1101. Effective date.
30 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 CHAPTER 1

3 PRELIMINARY PROVISIONS

4 Section 101. Short title.

5 This act shall be known and may be cited as the Landslide
6 Insurance and Assistance Program Act.

7 Section 102. Declaration of policy.

8 The General Assembly finds and declares as follows:

9 (1) Geologists have studied with increasing concern the
10 underground movement of the geological formations in this
11 Commonwealth and its impeding effects on the vertical and
12 horizontal natural and manmade surfaces.

13 (2) Landslides and slope movement have historically been
14 the norm throughout most parts of this Commonwealth.

15 (3) Landslides and slope movement occur without regard
16 for municipal boundaries, ordinances, planning codes,
17 politics and economies, making it difficult for local
18 officials to deal effectively with the development and
19 implementation of methods and standards to control the
20 devastation these natural forces can cause.

21 (4) Landslides and slope movement have caused an
22 enormous amount of damage to homes and roadways in this
23 Commonwealth, particularly the southwestern region of the
24 State.

25 (5) Landslides and slope movement will continue to
26 plague southwestern Pennsylvania.

27 (6) Landslides affect every state in the nation, causing
28 an estimated \$2 billion to \$4 billion in damages per year.

29 (7) Landslide damage caused by flooding is not covered
30 by the National Flood Insurance Program.

1 (8) While landslide damage caused by mining practices is
2 covered by the Coal and Clay Mine Subsidence Insurance Fund
3 and mudslide damage is covered by the National Flood
4 Insurance Program, other types of landslide damage are
5 usually not covered by insurance.

6 (9) Problems associated with landslide damage are
7 becoming more widespread.

8 (10) It would be to the advantage of residents of the
9 landslide-prone areas of this Commonwealth to form a common
10 bond to combat distress resulting from landslides.

11 Section 103. Definitions.

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

15 "Agency." The Pennsylvania Emergency Management Agency.

16 "Assistance fund." The Landslide Assistance Fund established
17 under section 702.

18 "Board." The Landslide Insurance and Assistance Board
19 established under section 302.

20 "Community." Either of the following:

21 (1) A political subdivision that has zoning and building
22 code jurisdiction over an area having landslide hazards.

23 (2) A political subdivision that is designated to
24 develop and administer a mitigation plan.

25 "Extremely hazardous area." An area where all of the
26 following factors that contribute to landslides occur in the
27 same location:

28 (1) Steep slopes.

29 (2) Soils prone to landslides.

30 (3) Landslide features.

1 "Further review area." An area for which additional site-
2 specific review is needed based on a geological map or model
3 identifying the area as including a site prone to experience a
4 landslide.

5 "GIS." Geographic information systems.

6 "Hazardous area." An area where one of the following factors
7 that contributes to landslides occurs:

8 (1) Steep slopes.

9 (2) Soils prone to landslides.

10 (3) Landslide features.

11 "Insurance fund." The Landslide Insurance Fund established
12 under section 501.

13 "Landslide." Any detached mass of soil, rock, earth or
14 debris that moves down a slope and is of sufficient size to
15 cause damage. The term includes sinkholes.

16 "Landslide features." The term includes rockfall areas,
17 creep, red beds and historic landslides.

18 "Mitigation." An activity relative to landslides that
19 prevents an emergency from occurring, reduces the likelihood of
20 an emergency occurring or lessens the damaging effects of
21 unavoidable emergencies.

22 "Mitigation plan." A plan designed by a community that when
23 implemented provides mitigation.

24 "Program." The Landslide Insurance and Assistance Program
25 established under section 304.

26 CHAPTER 3

27 PROGRAM GENERALLY

28 Section 301. Program goals.

29 The goals of the program are as follows:

30 (1) To provide actuarially sound insurance coverage.

1 (2) To make program policies universally available and
2 competitively priced.

3 (3) To make use of the most effective scientific and
4 technological advances available, including technology such
5 as GIS.

6 (4) To process claims promptly, fairly and consistently.

7 (5) To provide tools and incentives for landslide loss
8 reduction, including the assistance fund.

9 (6) To collaborate with other organizations that operate
10 in the public interest to assist in achieving program goals.

11 Section 302. Board.

12 (a) Board established.--The Landslide Insurance and
13 Assistance Board is established within the Pennsylvania
14 Emergency Management Agency.

15 (b) Members.--The board shall consist of the following
16 members:

17 (1) The Secretary of Banking and Securities or a
18 designee.

19 (2) The Secretary of Community and Economic Development
20 or a designee.

21 (3) The Secretary of Conservation and Natural Resources
22 or a designee.

23 (4) The Secretary of Environmental Protection or a
24 designee.

25 (5) The Insurance Commissioner or a designee.

26 (6) The Secretary of Human Services or a designee.

27 (7) The Secretary of the Commonwealth or a designee.

28 (8) The Secretary of Transportation or a designee.

29 (9) The State Treasurer or a designee.

30 (10) The Director of the agency or a designee.

1 (11) The Executive Director of the Pennsylvania Housing
2 Finance Agency or a designee.

3 (c) Chairperson.--The director of the agency or the designee
4 shall serve as the chairperson of the board.

5 (d) General counsel.--The Attorney General shall, ex
6 officio, be the general counsel of the board and shall appoint
7 an attorney or attorneys as may be deemed necessary to aid the
8 board in its functioning.

9 (e) Employees.--All employees of the board shall be employed
10 by and located in the agency and shall be subject to the
11 administrative jurisdiction and authority of the agency.

12 Section 303. Appeals.

13 Any party aggrieved by an action of the board shall have the
14 right to appeal in accordance with 2 Pa.C.S. (relating to
15 administrative law and procedure).

16 Section 304. Program generally.

17 (a) Establishment.--The Landslide Insurance and Assistance
18 Program is established within the agency.

19 (b) Program components.--The program shall consist of the
20 following components:

21 (1) A grant program.

22 (2) A revolving loan program.

23 (3) An insurance program.

24 (c) Purposes.--The grant program and the revolving loan
25 program are established for the primary purposes of mitigation
26 and repairing minor structural damage. The board shall employ
27 the grant program and the revolving loan program as tools to aid
28 in the success of the insurance fund.

29 Section 305. Program authority.

30 (a) Intergovernmental cooperation.--The program shall:

1 (1) Work closely with Federal, State and local agencies
2 and any other government agencies, including those of other
3 states, to accomplish program goals.

4 (2) Create and implement a Statewide landslide
5 mitigation plan that would encourage and support local
6 mitigation efforts.

7 (3) Investigate sites to define hazards.

8 (4) Recommend legislation, regulations, ordinances and
9 zoning to mitigate slope instability contributed by
10 excavation and drainage.

11 (5) Work with local governments to evaluate risk
12 associated with certain homesite development.

13 (6) Share the most up-to-date geological surveys, in the
14 form of maps, GIS data or other useful forms, and related
15 information, free of charge to government agencies and
16 appropriate representatives of communities, and at a
17 reasonable cost to all other persons. Receipts under this
18 paragraph shall be deposited in the assistance fund.

19 (7) Inform the Department of Transportation which
20 highways are at greatest risk from landslides.

21 (8) Notify local governments in areas with the greatest
22 risk from landslides.

23 (9) Have the authority to consult, receive information
24 and enter into any agreements or other arrangements in order
25 to identify and publish information with respect to all
26 landslide-prone areas, establish or update landslide-risk
27 zone data and make estimates with respect to the rates of
28 probable landslide-caused loss for the various landslide-risk
29 zones for each of these areas.

30 (10) Publish any change to landslide insurance map

1 panels.

2 (11) Ensure that the program is consistent in landslide
3 control, landslide forecasting and landslide damage
4 prevention.

5 (b) Studies and investigations.--

6 (1) The program is authorized to carry out necessary
7 studies and investigations, utilizing to the maximum extent
8 practicable the existing facilities and services of other
9 Federal and Commonwealth departments or agencies, local
10 governmental agencies and any other organizations, with
11 respect to the adequacy of State and local measures in
12 landslide-prone areas as to:

- 13 (i) Land management and use.
- 14 (ii) Landslide control.
- 15 (iii) Zoning.
- 16 (iv) Landslide damage prevention.

17 (2) The program may enter into any contracts, agreements
18 or other appropriate arrangements to carry out its authority
19 under this section. The studies and investigations shall
20 include the following:

- 21 (i) Laws.
- 22 (ii) Regulations.
- 23 (iii) Ordinances.
- 24 (iv) Zoning.
- 25 (v) Building codes.
- 26 (vi) Building permits.
- 27 (vii) Subdivision or other building restrictions.

28 (c) State and local measures.--On the basis of studies and
29 investigations under subsection (b) and other information as the
30 agency deems necessary, the program shall develop comprehensive

1 criteria designed to encourage, where necessary, the adoption of
2 adequate State and local measures which, to the maximum extent
3 feasible, will:

4 (1) Constrict the development of land which is exposed
5 to landslide damage where appropriate.

6 (2) Guide the development of proposed construction away
7 from locations which are threatened by landslide hazards.

8 (3) Assist in reducing damage caused by landslides.

9 (4) Otherwise improve the long-range land management and
10 use of landslide-prone areas.

11 (d) Technical assistance.--The program shall work closely
12 with and provide any necessary technical assistance to State and
13 local governmental agencies to encourage the application of the
14 criteria and the adoption and enforcement of the measures under
15 this section.

16 Section 306. Land-use controls and rate structure.

17 Local governments may initiate land-use controls for the
18 benefit of their residents. The following shall apply:

19 (1) No new landslide insurance coverage shall be
20 provided to new construction without preapproval by an
21 appropriate local public body, which shall have the option of
22 adopting adequate land use and control measures with
23 effective enforcement provisions.

24 (2) A community rating system shall be employed by the
25 board as an incentive for community landslide management.

26 (3) Rate structures shall provide incentives for
27 measures that reduce the risk of landslide damage and
28 evaluate the measures. The program shall provide incentives
29 in the form of credits on premium rates for landslide
30 insurance coverage in communities that the agency determines

1 have adopted and enforced measures that reduce the risk of
2 landslide damage.

3 (4) The credits on premium rates for flood insurance
4 coverage shall be based on the estimated reduction in flood
5 and erosion damage risks resulting from the measures adopted
6 by the community under the program. If a community has
7 received mitigation or other assistance under the program,
8 the credits may be used in a manner determined by the agency
9 to recover the amount of assistance provided for the
10 community.

11 CHAPTER 5

12 LANDSLIDE INSURANCE FUND

13 Section 501. Landslide Insurance Fund.

14 (a) Establishment.--The Landslide Insurance Fund is
15 established as a separate fund in the Treasury Department. The
16 insurance fund shall be administered by the board for the
17 purpose of insuring subscribers against the damages to their
18 structures resulting from landslides if the damage is not
19 covered by other insurance programs or coverage.

20 (b) Administration.--The insurance fund shall be
21 administered by the board without liability on the part of the
22 Commonwealth beyond the amount of the insurance fund except as
23 provided under this act and shall be applied to the payment of
24 damage as described under subsection (a).

25 (c) State Treasurer as custodian of insurance fund.--The
26 State Treasurer shall be the custodian of the insurance fund,
27 and all disbursements from the insurance fund shall be paid at
28 the request of the board. For making payments without audit, the
29 State Treasurer shall not be under any liability. The State
30 Treasurer may deposit any portion of the insurance fund not

1 needed for immediate use as other State money is lawfully
2 deposited. The interest shall be placed to the credit of the
3 insurance fund.

4 Section 502. Schedule of premiums.

5 At any time during each year, the board shall prepare and
6 publish a schedule of premiums or rates of insurance for
7 subscribers. The schedule shall be printed and distributed free
8 of charge to any person upon application. Any subscriber may, at
9 the subscriber's option, pay to the insurance fund the amount of
10 premium appropriate and, upon payment of the premium, shall be
11 insured for the year for which the premium is paid. The
12 insurance shall cover all payments becoming due for which the
13 premium is paid. The premium shall be adequate to enable payment
14 of all sums, which may become due and payable under this act,
15 and adequate reserve sufficient to carry all policies and claims
16 to maturity. In establishing the premiums payable by any
17 subscriber, the board may take into account the condition of the
18 premises of the subscriber with respect to the possibility of
19 landslide damage as shown by the report of any inspector
20 appointed by the board or by the agency. The board may change
21 the amount of premiums payable by any of the subscribers as
22 circumstances may require and the condition of the premises of
23 the subscribers in respect to the possibility of a landslide may
24 justify. The board may increase the premiums of any subscriber
25 whose loss experience warrants a change. The insurance of any
26 subscriber shall not be effective until the premium so fixed and
27 determined has been paid in full.

28 Section 503. Surplus.

29 The board shall set aside 5% of all premiums collected for
30 the creation of a surplus until the surplus is sufficiently

1 large to cover catastrophic hazard of all the subscribers to the
2 insurance fund and to guarantee the solvency of the insurance
3 fund. At such point, the board shall reevaluate the set-aside
4 and investment of the surplus and make a recommendation to the
5 General Assembly.

6 Section 504. Insurance program.

7 (a) Application and certification.--Any owner of a structure
8 located within a landslide-prone region that desires to become a
9 subscriber to the insurance fund for the purpose of insuring a
10 structure in the region against damage from landslides shall
11 make a complete application as prescribed by the board to the
12 board, its agents or insurance producers. Upon receipt of an
13 application, the board shall make an investigation as may be
14 necessary if the application complies with the rules and
15 regulations of the board. Within 60 days after the request for
16 an application is received, the board shall issue a certificate
17 showing the acceptance of the application and the amount of
18 premium payable by the applicant for one, two or three years, as
19 the board may establish.

20 (b) Coverage premiums and requirements.--No insurance shall
21 become effective until the premium has been paid. All premiums
22 shall be made payable to the State Treasurer, and a receipt
23 shall be issued. The receipt for a premium, together with a
24 certificate of the board, shall be evidence that the applicant
25 has become a subscriber to the insurance fund and is insured
26 from the date of application. The following apply:

27 (1) The insurance may be subject to later reductions,
28 and premiums adjusted accordingly, if the board determines
29 that the amount of insurance coverage requested is in excess
30 of the current replacement cost of the structure or the

1 maximum amount of coverage established by the fund, whichever
2 is less.

3 (2) The insurance shall be void if, upon investigation
4 of the structure, the board determines that either landslide
5 damage occurred before the application was submitted or the
6 applicant is responsible for not allowing the board to
7 inspect the structure within 60 days of receipt of the
8 application.

9 (3) The use of the most current science available to
10 identify landslide-prone areas shall be employed. If the
11 property is located in a further review area within a
12 hazardous area, the property owner may be required to
13 complete a site assessment with a licensed professional,
14 which may include an onsite evaluation. The property owner
15 shall be responsible for the cost of the assessment. The
16 assessment may also be required before a local government
17 accepts an application for a development permit.

18 (4) Notwithstanding any other provision of law, any
19 structure repaired or restored to its original condition with
20 money from the insurance fund shall not be eligible for
21 duplicative disaster relief assistance from programs
22 administered by the agency.

23 (5) In order to assist insurance producers and potential
24 policyholders in identifying structures that could be at risk
25 from landslides, the board shall publish and update in the
26 Pennsylvania Bulletin a list of areas in this Commonwealth
27 that are believed to be at risk for landslide damage.

28 (c) Penalty.--A person who knowingly furnishes or makes any
29 false certificate, application or statement required under this
30 section commits a misdemeanor and shall, upon conviction, be

1 sentenced to pay a fine of not more than \$1,500 or to
2 imprisonment for not more than one year, or both.

3 Section 505. Application for increase in insurance.

4 Additions in the amount of insurance are subject to the same
5 standards as initial applications.

6 Section 506. Automatic inflation protection increase.

7 The board shall make available to all subscribers an annual
8 inflation protection option on the anniversary date of each
9 policy issued only if the total insurance remains at or under
10 the value of the structure itself. An inflation protection
11 increase shall not be subject to a reinspection of the
12 structure.

13 Section 507. Audit by Auditor General.

14 The Auditor General shall, at least once each year, make a
15 complete examination and audit of the insurance fund, including
16 all receipts and expenditures, cash on hand, investments and
17 property held representing cash or cash disbursements. For these
18 purposes, the Auditor General is authorized to employ agents and
19 staff as the Auditor General may deem necessary. The expense
20 incurred in making the examination and audit shall be certified
21 to the insurance fund by the Auditor General and shall be paid
22 from the program.

23 Section 508. Claims against insurance fund.

24 A subscriber to the insurance fund must file with the board a
25 true statement of the subscriber's claim for any landslide
26 damage and shall give to the board an opportunity to investigate
27 and to determine whether the board will pay the claim.

28 Section 509. Defenses against claims and procedure.

29 In every case where a claim is made against the insurance
30 fund, the insurance fund shall be entitled to every defense

1 against the claim under the policy and shall be subrogated to
2 every right of the subscriber arising out of accidents against
3 any third persons. The insurance fund may, in the name of the
4 insurance fund, sue or be sued to enforce any right given
5 against or to a subscriber or other persons under this act.

6 Section 510. Subrogation to rights of claimants.

7 Nothing in this act shall relieve any person, partnership or
8 corporation otherwise liable from any liability for damages
9 sustained by a subscriber. The insurance fund shall be
10 subrogated to the rights of any property owner's insurance under
11 this act.

12 Section 511. Insurance companies may cover risk.

13 Any insurance company may issue policies covering the type of
14 risk provided for under this chapter subject to the prior
15 approval of the Insurance Commissioner as to policy form and
16 rates.

17 Section 512. Escrow of premium payments.

18 Mortgage lenders shall escrow the landslide insurance premium
19 payments if they offer the purchase of the insurance.

20 Section 513. Properties in violation of State or local law.

21 No new landslide insurance coverage shall be provided for any
22 property which the agency finds has been declared by a State or
23 local zoning authority or other authorized public body to be in
24 violation of State or local laws, regulations or ordinances
25 which are intended to discourage or otherwise restrict land
26 development or occupancy in landslide-prone areas.

27 CHAPTER 7

28 MITIGATION ASSISTANCE

29 Section 701. Mitigation assistance.

30 (a) Financial assistance generally.--The agency shall carry

1 out a program to provide financial assistance to communities and
2 individuals for planning and carrying out activities designed to
3 reduce the risk of landslide damage to structures covered under
4 contracts for landslide insurance. Financial assistance may be
5 made available to communities and individuals in the form of
6 grants or revolving loans for the carrying out of mitigation
7 activities. Loans shall carry an interest rate of no more than
8 3%.

9 (b) Grants.--The agency may make grants under this section
10 to communities to assist in developing mitigation plans.

11 (c) Eligibility.--To be eligible to receive financial
12 assistance, a community shall develop a mitigation plan that
13 describes the mitigation activities to be carried out with
14 assistance provided under this section. The mitigation plan must
15 be consistent with the criteria established by the agency and
16 provide protection against landslide losses to structures for
17 which contracts for flood insurance are available under this
18 act. The mitigation plan shall be consistent with a
19 comprehensive strategy for mitigation activities for the area
20 affected by the mitigation plan that has been adopted by the
21 community following a public hearing.

22 (d) Procedure.--The agency shall notify a community
23 submitting a mitigation plan of the approval or disapproval of
24 the plan not later than 120 days after submission of the plan.
25 If the agency does not approve a mitigation plan submitted under
26 this section, the agency shall notify in writing the community
27 submitting the plan of the reasons for the disapproval.

28 (e) Limitation.--Amounts provided under this section may be
29 used only for mitigation activities specified in a mitigation
30 plan approved by the agency. The agency may approve only

1 mitigation plans that specify mitigation activities that are
2 technically feasible and cost effective and that are cost
3 beneficial under Chapter 5.

4 (f) Approval.--The agency shall approve funding for
5 mitigation plans based on criteria that include:

6 (1) Criteria under subsection (e).

7 (2) Proposed activities to address repetitive loss
8 structures and structures that have incurred substantial
9 damage.

10 (g) Matching funds.--The agency may require a community to
11 match grant funds.

12 (h) Oversight.--The agency shall conduct oversight of
13 recipients of mitigation assistance to ensure that the
14 assistance is used in compliance with the approved mitigation
15 plans of the recipients and that any matching fund requirements
16 are fulfilled.

17 (i) Failure to comply.--If the agency determines that a
18 community that has received mitigation assistance has not
19 carried out the mitigation activities as set forth in the
20 mitigation plan or has not secured required matching funds, the
21 agency shall recapture any unexpended amounts and redeposit the
22 amounts in the assistance fund.

23 Section 702. Landslide Assistance Fund.

24 The Landslide Assistance Fund is established as a restricted
25 account in the Treasury Department. The assistance fund shall be
26 administered by the agency and shall be comprised of money
27 appropriated for purposes of this chapter. All money in the
28 assistance fund and any accrued interest is appropriated to the
29 agency on a continuing basis to carry out the provisions of this
30 chapter.

1 Section 703. Construction permits.

2 No Commonwealth agency shall approve any financial assistance
3 for the acquisition of land for construction purposes in any
4 area that has been identified by the agency as an extremely
5 hazardous zone without approval to proceed by the agency based
6 on the results of a risk assessment.

7 CHAPTER 9

8 PROGRAM ADMINISTRATION AND FUNDING

9 Section 901. Regulations.

10 The agency, in conjunction with the board, may promulgate
11 rules and regulations and establish other conditions of the
12 policies as it deems just and expedient in keeping with the
13 fulfillment of the purposes of this act, including reasonable
14 classification of risks eligible for coverage under this act,
15 limits of coverage and rules covering the adjustment and
16 settlement of claims.

17 Section 902. Agency report.

18 The agency shall make an annual report on the program and on
19 experience with landslide insurance sales through producers to
20 the General Assembly. Each report shall include mitigation
21 efforts, an analysis of the cost-effectiveness of the program,
22 accomplishments or shortcomings of the program and
23 recommendations for legislation regarding the program.

24 Section 903. Program funding.

25 The program shall be funded by the General Assembly through
26 an appropriation of money to the agency until such time as the
27 insurance fund and assistance fund are deemed self-sufficient by
28 the General Assembly.

29 Section 904. Reimbursement.

30 The program shall reimburse any Commonwealth departments for

1 agreed-upon costs of services that aid in administering the
2 program.

3 Section 905. Appropriations.

4 (a) Insurance fund.--The sum of \$2,500,000, or as much
5 thereof as may be necessary, is appropriated to the Landslide
6 Insurance Fund for the fiscal year July 1, 2019, through June
7 30, 2020.

8 (b) Assistance fund.--The sum of \$2,500,000, or as much
9 thereof as may be necessary, is appropriated to the Landslide
10 Assistance Fund for the fiscal year July 1, 2019, through June
11 30, 2020.

12 (c) Agency.--Money in the insurance fund and in the
13 assistance fund is appropriated to the agency in such amounts as
14 may be determined annually by the Governor to be used for the
15 specified purposes of this act.

16 (d) Additional appropriations.--If, upon completion of the
17 annual examination and audit, it is determined that the total
18 asset value of either the insurance fund or assistance fund is
19 less than \$2,500,000, any additional sum as may be necessary to
20 increase the total asset value of the insurance fund or the
21 insurance fund and the assistance fund to \$2,500,000 shall be
22 appropriated.

23 Section 906. Cost of administration.

24 The board shall keep an accurate account of money paid in
25 premiums by the subscribers and disbursements on account of
26 damages to premises. If, at the expiration of any year, there is
27 a balance remaining after deducting the disbursements, the
28 unearned premiums on undetermined risks and the percentage of
29 premiums paid or payable to create or maintain the surplus
30 provided under this act, and after setting aside an adequate

1 reserve, the board may determine to allocate to the cost of
2 administering the insurance fund.

3 Section 907. Commissions.

4 Money from the insurance fund shall be available to pay a
5 one-time commission, as determined by the board, to insurance
6 producers who forward applications for landslide insurance to
7 the board if a policy is issued pursuant to an application
8 submitted by an insurance producer. The amount of the commission
9 shall be determined by the board on an annual basis.

10 CHAPTER 11

11 MISCELLANEOUS PROVISIONS

12 Section 1101. Effective date.

13 This act shall take effect July 1, 2019.