

HEALTH AND SAFETY (35 PA.C.S.) - GENERAL AUTHORITY OF GOVERNOR,
DISASTER EMERGENCY ASSISTANCE AND PUBLIC DISASTER ASSISTANCE
GRANT PROGRAM

Act of Oct. 27, 2014, P.L. 2899, No. 187
Session of 2014
No. 2014-187

Cl. 35

SB 720

AN ACT

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in the Governor and disaster emergencies, further providing for general authority of Governor; providing for disaster emergency assistance; and establishing the Public Disaster Assistance Grant Program.

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

Section 1. Section 7301(f) of Title 35 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph to read: § 7301. General authority of Governor.

* * *

(f) Additional powers.--In addition to any other powers conferred upon the Governor by law, the Governor may:

* * *

(9) Confer the power of arrest on the law enforcement personnel serving as part of the emergency forces of a party state during operations in this Commonwealth pursuant to a declaration of a disaster emergency under subsection (c). Law enforcement personnel shall be under the operational control of the Commissioner of Pennsylvania State Police and shall comply with the terms and conditions of the Emergency Management Assistance Compact under Chapter 76 (relating to Emergency Management Assistance Compact). Arrest powers granted under this paragraph shall expire when the declaration of a disaster emergency is terminated by executive order, proclamation or operation of law, if the arrest powers have not previously been terminated.

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

CHAPTER 79
DISASTER EMERGENCY
ASSISTANCE

Subchapter

- A. Preliminary Provisions
- B. Public Disaster Assistance Grant Program
- C. Miscellaneous Provisions

SUBCHAPTER A
PRELIMINARY PROVISIONS

Sec.

- 7901. Short title of chapter.
- 7902. Legislative purpose.
- 7903. Definitions.
- 7904. Construction.

§ 7901. Short title of chapter.

This chapter shall be known and may be cited as the Disaster Emergency Assistance Act.

§ 7902. Legislative purpose.

It is the purpose of this chapter to create a program to provide assistance to political subdivisions and municipal

authorities directly affected by natural and man-made disasters. Assistance will be limited to grants for projects that do not qualify for Federal assistance to help repair damages to public facilities. Grants will be made available by the agency in a disaster emergency area only when a Presidential disaster declaration is not covering the area.

§ 7903. Definitions.

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

"Adjusted loss." The difference between:

- (1) eligible loss; and
- (2) covered loss.

"Agency." The Pennsylvania Emergency Management Agency.

"Covered loss." An amount received by or due the recipient from private insurance and Federal grants and loans, including applicable State matching funds, related to an eligible loss. The term does not include an insurance deductible paid by the recipient.

"Disaster emergency area." An area included under a declaration of disaster emergency issued by the Governor under section 7301 (relating to general authority of Governor).

"Eligible loss." Damage to a public facility caused by a natural or man-made disaster in a disaster emergency area.

"Man-made disaster." Any industrial, nuclear or transportation accident, explosion, conflagration, power failure, natural resource shortage or other condition, except enemy action, resulting from man-made causes, including oil spills and other environmental contamination, which threatens or causes substantial damage to property, individuals, loss of life or other hardships.

"Natural disaster." Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion or other catastrophe not resulting from a man-made cause which threatens or causes substantial damage to property or individuals, possible loss of life or other hardships.

"Program." The Public Disaster Assistance Grant Program established under Subchapter B (relating to Public Disaster Assistance Grant Program).

"Public facility." Any facility which is owned, operated or maintained by a political subdivision or municipal authority of this Commonwealth. The term shall include:

- (1) buildings and equipment;
- (2) bridges, roads, highways and public ways;
- (3) parks and recreational facilities;
- (4) power generation and distribution facilities, including natural gas systems, wind turbines, generators, substations and power lines;
- (5) sanitary sewer systems and wastewater treatment facilities;
- (6) drainage and flood control facilities;
- (7) water treatment, water storage and water distribution facilities; and
- (8) any other improvement or infrastructure.

§ 7904. Construction.

Grants shall be made to political subdivisions or municipal authorities in a disaster emergency area for which no Presidential disaster declaration has been issued.

SUBCHAPTER B

PUBLIC DISASTER ASSISTANCE GRANT PROGRAM

Sec.

- 7921. Establishment.
- 7922. Eligibility.
- 7923. Application for and issuance of grant.
- 7924. Grant funds.
- 7925. Use of grant funds.
- 7926. Limitations.
- § 7921. Establishment.

The Public Disaster Assistance Grant Program is established within the agency to provide grants to political subdivisions and municipal authorities for assistance with repair of disaster-related damage in a disaster emergency area when the damages to public facilities are beyond the financial capabilities of the political subdivision or authority.

§ 7922. Eligibility.

To be eligible for a grant under this subchapter, a political subdivision or municipal authority must suffer eligible loss which is not covered by insurance.

§ 7923. Application for and issuance of grant.

(a) Application.--The procedure for applying for a grant under this subchapter shall be as follows:

(1) A political subdivision or municipal authority must apply for a grant on a form furnished by the agency, setting forth the facts establishing eligibility and certifying that if approved all funds received will be used for purposes approved by the agency. An application under this paragraph is subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The application must be submitted within 60 days following the declaration of a disaster emergency.

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

(3) Within 30 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).

(b) Issuance.--For each political subdivision or municipal authority determined to be eligible under subsection (a) (3), the agency shall verify the adjusted loss. The maximum grant allowed under the program is 50% of the adjusted loss.

§ 7924. Grant funds.

Grants under this subchapter shall be made from funds appropriated by the General Assembly for the program and from other Federal or State funds the agency may receive for the program. The agency may use up to 3% of available program funds for the administration of the program.

§ 7925. Use of grant funds.

Grant funds issued under the program may be used to assist in the repair or replacement of public facilities due to disaster-related damages. Funds may also be used for disaster-related debris removal or to demolish a public facility if the facility was made unsafe by the disaster.

§ 7926. Limitations.

No grant under this subchapter shall be for an amount in excess of 25% of available program funds. If the amount of approved grant applications exceeds available program funds, grants shall be awarded on a pro rata basis.

SUBCHAPTER C
MISCELLANEOUS PROVISIONS

Sec.

- 7931. Powers and duties of agency.

§ 7931. Powers and duties of agency.

The agency shall have the following duties and responsibilities:

- (1) Administer this chapter.
- (2) Promulgate any regulations necessary to implement and administer this chapter which include:
 - (i) Development of additional procedures or requirements for the submission of grant applications.
 - (ii) Development of procedures to verify adjusted loss.
 - (iii) Development of criteria for the determination of the amount of assistance to be given to a political subdivision or municipal authority.
 - (iv) Development of a methodology to prioritize projects based on the potential impact to the health and safety of the citizens of the affected community.

Section 3. This act shall take effect immediately.

APPROVED--The 27th day of October, A.D. 2014.

TOM CORBETT