

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2642 Session of
1996

INTRODUCED BY SAYLOR, O'BRIEN, CLARK, FICHTER, BELARDI,
BELFANTI, JOSEPHS, YOUNGBLOOD, STEELMAN AND CAWLEY,
MAY 21, 1996

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, MAY 21, 1996

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for a certain fund for
3 emergency management and for a surcharge on certain insurance
4 policies.

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

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

9 CHAPTER 73

10 COMMONWEALTH SERVICES

11 * * *

12 SUBCHAPTER C

13 EMERGENCY MANAGEMENT, PREPAREDNESS

14 AND ASSISTANCE FUND

15 7331. Establishment.

16 7332. Surcharge.

17 7333. Allocation of funds.

18 7334. Adjustment of distribution.

1 7335. Local agencies.

2 7336. Full-time director.

3 § 7331. Establishment.

4 There is hereby established a separate account in the State
5 Treasury to be known as the Emergency Management, Preparedness
6 and Assistance Fund. This fund shall be administered by the
7 agency.

8 § 7332. Surcharge.

9 For the purpose of providing moneys for the fund, an annual
10 surcharge of \$2 per policy is hereby imposed on every
11 homeowner's, mobile homeowner's, tenant homeowner's and
12 condominium unit owner's policy, and an annual \$4 surcharge is
13 imposed on every commercial fire, commercial multiple peril and
14 business owner's property insurance policy issued or renewed on
15 or after January 1, 1997. The surcharge shall be paid by the
16 policyholder to the insurer. The insurer shall collect the
17 surcharge and remit it to the Department of Revenue, which shall
18 collect, administer, audit and enforce the surcharge. The
19 surcharge is not to be considered premiums of the insurer;
20 however, nonpayment of the surcharge by the insured may be a
21 valid reason for cancellation of the policy. All proceeds of the
22 surcharge shall be deposited in the Emergency Management,
23 Preparedness and Assistance Fund and may not be used to supplant
24 existing funding.

25 § 7333. Allocation of funds.

26 Moneys in the fund shall be allocated by the agency as
27 follows:

28 (1) Sixty percent to implement and administer State and
29 local emergency management programs, including training, of
30 which 20% shall be used by the agency and 80% shall be

1 allocated to local emergency management agencies and
2 programs. Of this 80%, at least 80% shall be allocated to
3 counties.

4 (2) Twenty percent to provide for State relief
5 assistance for nonfederally declared disasters, including,
6 but not limited to, grants and below-interest rate loans to
7 businesses for uninsured losses resulting from a disaster.

8 (3) Twenty percent for grants and loans to State or
9 regional agencies, local governments and private
10 organizations to implement projects that will further State
11 and local emergency management objectives. These projects
12 shall include, but need not be limited to, projects that will
13 promote public education on disaster preparedness and
14 recovery issues, enhance coordination of relief efforts of
15 Statewide private-sector organizations and improve the
16 training and operations capabilities of agencies assigned
17 lead or support responsibilities in the State comprehensive
18 emergency management plan. The agency shall establish
19 criteria and procedures for competitive allocation of these
20 funds by rule. No more than 5% of any award made pursuant to
21 this paragraph may be used for administrative expenses.

22 § 7334. Adjustment of distribution.

23 The distribution formula provided in section 7333 (relating
24 to allocation of funds) may be adjusted proportionally when
25 necessary to meet any matching requirements imposed as a
26 condition of receiving Federal disaster relief assistance or
27 planning funds.

28 § 7335. Local agencies.

29 The agency shall allocate moneys from the fund to local
30 emergency management agencies and programs pursuant to criteria

1 specified in regulations of the agency. These regulations shall
2 include, but are not limited to:

3 (1) Requiring that, at a minimum, a local emergency
4 management agency either:

5 (i) have a program director who works at least 40
6 hours a week in that capacity; or

7 (ii) if the county has fewer than 50,000 population,
8 have an emergency management coordinator who works at
9 least 20 hours a week in that capacity.

10 (2) Specifying a formula that establishes a base grant
11 allocation and weighted factors for funds to be allocated
12 over the base grant amount.

13 (3) Specifying match requirements.

14 (4) Funding preferentially to provide incentives to
15 counties and municipalities to participate in mutual aid
16 agreements.

17 § 7336. Full-time director.

18 If adequate funds are available as determined by the agency,
19 every county shall receive funds at least sufficient to fund a
20 dedicated, full-time emergency preparedness officer position.

21 Section 2. This act shall take effect immediately.