

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1585 Session of
2012

INTRODUCED BY BAKER, YUDICHAK, GORDNER, ERICKSON, COSTA,
RAFFERTY, SCHWANK AND D. WHITE, AUGUST 14, 2012

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, AUGUST
14, 2012

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for the Pennsylvania
3 Disaster Emergency Assistance Program; establishing the
4 Individual Disaster Assistance Grant Program and the Public
5 Disaster Assistance Grant Program; providing for the deposit
6 of liquor tax revenues into the Disaster Emergency Assistance
7 Account; and making an appropriation.

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

10 Section 1. Title 35 of the Pennsylvania Consolidated
11 Statutes is amended by adding a chapter to read:

12 CHAPTER 79

13 PENNSYLVANIA DISASTER EMERGENCY

14 ASSISTANCE PROGRAM

15 Subchapter

16 A. Preliminary Provisions

17 B. Individual Disaster Assistance Grant Program

18 C. Public Disaster Assistance Grant Program

19 D. Miscellaneous Provisions

20 SUBCHAPTER A

1 PRELIMINARY PROVISIONS

2 Sec.

3 7901. Short title of chapter.

4 7902. Legislative findings and purpose of chapter.

5 7903. Definitions.

6 7904. Construction.

7 § 7901. Short title of chapter.

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

10 § 7902. Legislative findings and purpose of chapter.

11 (a) Findings.--The General Assembly finds as follows:

12 (1) Communities in this Commonwealth are frequently
13 subject to natural and man-made disasters which cause
14 significant damage and disruption in the life of the
15 community but which are not of sufficient magnitude to
16 qualify for Federal disaster assistance programs.

17 (2) These losses have a significant impact on those
18 directly affected and their communities and on the health and
19 welfare of the citizens of this Commonwealth's many small
20 communities.

21 (b) Purpose.--It is the purpose of this chapter to create a
22 State program to provide assistance to individuals and political
23 subdivisions directly affected by natural and man-made
24 disasters. State assistance will be limited to grants to help
25 repair damages to primary residences, personal property and
26 public facilities. Grants will be made available by the State in
27 a disaster emergency area only when a Presidential disaster
28 declaration is not covering the area.

29 § 7903. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Account." The Disaster Emergency Assistance Account
4 established under this chapter.

5 "Adjusted loss." The difference between:

6 (1) eligible loss; and

7 (2) covered loss.

8 "Agency." The Pennsylvania Emergency Management Agency.

9 "Covered loss." Any amount received by or due the recipient
10 from private insurance and Federal grants and loans, including
11 applicable State matching funds, on account of an eligible loss.
12 The term does not include an insurance deductible paid by the
13 recipient.

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

17 "Eligible loss." Damage, caused by a natural or man-made
18 disaster in a disaster emergency area, to real property utilized
19 as a primary residence of the owner, personal property or a
20 public facility.

21 "Household." A social unit living together and comprised of
22 any of the following:

23 (1) Couples or legally married individuals and their
24 dependents.

25 (2) An individual and his dependents.

26 (3) Individuals who jointly own a residence and their
27 dependents.

28 (4) Two or more individuals living at the same address,
29 whether related or not.

30 "Liquor tax." The tax imposed under the act of June 9, 1936

1 (1st Sp.Sess., P.L.13, No.4), entitled as "An act imposing an
2 emergency State tax on liquor, as herein defined, sold by the
3 Pennsylvania Liquor Control Board; providing for the collection
4 and payment of such tax; and imposing duties upon the Department
5 of Revenue and the Pennsylvania Liquor Control Board."

6 "Man-made disaster." Any industrial, nuclear or
7 transportation accident, explosion, conflagration, power
8 failure, natural resource shortage or other condition, except
9 enemy action, resulting from man-made causes, such as oil spills
10 and other injurious environmental contamination, which threatens
11 or causes substantial damage to property, human suffering,
12 hardship or loss of life.

13 "Natural disaster." Any hurricane, tornado, storm, flood,
14 high water, wind-driven water, tidal wave, earthquake,
15 landslide, mudslide, snowstorm, drought, fire, explosion or
16 other catastrophe not resulting from a man-made cause which
17 results in substantial damage to property, hardship, suffering
18 or possible loss of life.

19 "Personal property." Clothing, furniture, necessary
20 household items and appliances and essential tools for
21 employment or education.

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

25 (1) buildings and equipment;

26 (2) bridges, roads, highways and public ways;

27 (3) parks and recreational facilities;

28 (4) power generation and distribution facilities,

29 including natural gas systems, wind turbines, generators,

30 substations and power lines;

- 1 (5) sanitary sewer systems and wastewater treatment
2 facilities;
3 (6) drainage and flood control facilities;
4 (7) water treatment, water storage and water
5 distribution facilities; and
6 (8) any other improvement or infrastructure.

7 § 7904. Construction.

8 Grants under this chapter shall be made to individuals and
9 political subdivisions in a disaster emergency area for which no
10 Presidential disaster declaration has been issued. There shall
11 be a grant program under this chapter for individuals known as
12 the Individual Disaster Assistance Grant Program. There shall be
13 a grant program under this chapter for political subdivisions
14 known as the Public Disaster Assistance Grant Program.

15 SUBCHAPTER B

16 INDIVIDUAL DISASTER ASSISTANCE GRANT PROGRAM

17 Sec.

18 7911. Establishment.

19 7912. Eligibility.

20 7913. Application for and issuance of grant.

21 7914. Use of grant funds.

22 § 7911. Establishment.

23 The Individual Disaster Assistance Grant Program is
24 established within the agency to provide grants to individuals
25 for assistance with repair of disaster-related damage.

26 § 7912. Eligibility.

27 To be eligible for a grant under this subchapter, an
28 individual must meet all of the following:

- 29 (1) Suffer eligible loss which is not covered by
30 insurance.

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

3 (3) Have a household income which does not exceed 200%
4 of the Federal poverty income guidelines.

5 § 7913. Application for and issuance of grant.

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

8 (1) An individual must apply for a grant on a form
9 furnished by the agency, setting forth the facts establishing
10 eligibility and certifying that if approved all funds
11 received will be used for purposes approved by the agency. An
12 application under this paragraph is subject to 18 Pa.C.S. §
13 4904 (relating to unsworn falsification to authorities). The
14 application must be submitted within 60 days following the
15 declaration of a disaster emergency. Only one individual may
16 apply per household.

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

19 (3) Within 30 days of receipt of the application, the
20 agency shall make an eligibility determination. An
21 eligibility determination under this paragraph is a final
22 order of the agency subject to review under 2 Pa.C.S. Ch. 7
23 Subch. A (relating to judicial review of Commonwealth agency
24 action).

25 (b) Issuance.--For each individual determined to be eligible
26 under subsection (a) (3), the agency shall verify the adjusted
27 loss. The maximum grant allowed under the Individual Disaster
28 Assistance Grant Program is \$10,000 or the adjusted loss,
29 whichever is less.

30 § 7914. Use of grant funds.

1 Grant funds issued under the Individual Disaster Assistance
2 Grant Program may be used for the following disaster-related
3 expenses:

4 (1) Assisting in repair or replacement of the owner-
5 occupied primary residence, including mobile homes. Funds may
6 be used for removal of disaster-generated debris but may not
7 be used for landscaping.

8 (2) Repair, replacement or cleaning of personal
9 property.

10 (3) Repair or replacement of a motor vehicle which is
11 registered to the applicant and essential for transportation.

12 (4) Temporary housing.

13 (5) Funeral expenses.

14 (6) Medical or dental expenses.

15 SUBCHAPTER C

16 PUBLIC DISASTER ASSISTANCE GRANT PROGRAM

17 Sec.

18 7921. Establishment.

19 7922. Eligibility.

20 7923. Application for and issuance of grant.

21 7924. Use of grant funds.

22 § 7921. Establishment.

23 The Public Disaster Assistance Grant Program is established
24 within the agency to provide grants to political subdivisions
25 for assistance with repair of disaster-related damage. The
26 program under this subchapter is intended to provide assistance
27 to political subdivisions in a disaster emergency area when the
28 damages to public facilities are beyond the financial
29 capabilities of the political subdivision.

30 § 7922. Eligibility.

1 To be eligible for a grant under this subchapter, a political
2 subdivision must suffer eligible loss which is not covered by
3 insurance.

4 § 7923. Application for and issuance of grant.

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

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

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

17 (3) Within 30 days of receipt of the application, the
18 agency shall make an eligibility determination. An
19 eligibility determination under this paragraph is a final
20 order of the agency subject to review under 2 Pa.C.S. Ch. 7
21 Subch. A (relating to judicial review of Commonwealth agency
22 action).

23 (b) Issuance.--For each political subdivision determined to
24 be eligible under subsection (a) (3), the agency shall verify the
25 adjusted loss. The maximum grant allowed under the Public
26 Disaster Assistance Grant Program is 50% of the eligible loss.

27 § 7924. Use of grant funds.

28 Grant funds issued under the Public Disaster Assistance Grant
29 Program may be used to assist in the repair or replacement of
30 public facilities due to disaster-related damages. Funds may

1 also be used for disaster-related debris removal or to demolish
2 a public facility if the facility was made unsafe by the
3 disaster.

4 SUBCHAPTER D

5 MISCELLANEOUS PROVISIONS

6 Sec.

7 7931. Disaster Emergency Assistance Account.

8 7932. Powers and duties of agency.

9 7933. Audit by Auditor General.

10 § 7931. Disaster Emergency Assistance Account.

11 (a) Establishment.--A restricted account is hereby
12 established in the State Treasury to be known as the Disaster
13 Emergency Assistance Account. The account shall be for the
14 purpose of making grants that shall be provided by the agency to
15 individuals and political subdivisions eligible for assistance
16 under the Individual Disaster Assistance Grant Program and the
17 Public Disaster Assistance Grant Program.

18 (b) Transfer.--The Department of Revenue shall annually
19 transfer \$16,000,000 of the revenue received by the Commonwealth
20 pursuant to the imposition of the liquor tax from the General
21 Fund to the account for the fiscal year July 1, 2012, through
22 June 30, 2013, and each fiscal year thereafter.

23 (c) Appropriation.--Moneys transferred to the account are
24 hereby appropriated from the account for the payment of grants
25 authorized under Subchapters B (relating to Individual Disaster
26 Assistance Grant Program) and C (relating to Public Disaster
27 Assistance Grant Program).

28 (d) Lapse.--At the end of each fiscal year, designated funds
29 which are not expended shall lapse to the General Fund.

30 § 7932. Powers and duties of agency.

1 The agency shall have the following duties and
2 responsibilities:

3 (1) Administer this chapter.

4 (2) Promulgate any regulations necessary to implement
5 and administer this chapter which include:

6 (i) Development of additional procedures or
7 requirements for the submission of grant applications.

8 (ii) Development of procedures to verify adjusted
9 loss.

10 (iii) Development of criteria for the determination
11 of the amount of assistance to be given to an individual
12 or political subdivision.

13 § 7933. Audit by Auditor General.

14 The Auditor General shall conduct a performance audit
15 annually to determine the effectiveness of this chapter. The
16 Auditor General shall report the audit findings annually to the
17 General Assembly.

18 Section 2. This act shall take effect July 1, 2012, or
19 immediately, whichever is later.