

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 720 Session of 2013

INTRODUCED BY BAKER, YAW, RAFFERTY, ERICKSON, YUDICHAK, TARTAGLIONE, SCHWANK, GREENLEAF, FONTANA, GORDNER, SOLOBAY, WASHINGTON, COSTA, BROWNE AND BREWSTER, MARCH 20, 2013

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, SEPTEMBER 15, 2014

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. DISASTER EMERGENCY <--
8 ASSISTANCE; AND ESTABLISHING THE PUBLIC DISASTER ASSISTANCE
9 GRANT PROGRAM.

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

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

CHAPTER 79

15 PENNSYLVANIA DISASTER EMERGENCY <--

16 ASSISTANCE PROGRAM <--

17 Subchapter

18 A. Preliminary Provisions

19 B. Individual Disaster Assistance Grant Program <--

20 C. B. Public Disaster Assistance Grant Program <--

1 D C. Miscellaneous Provisions <--

2 SUBCHAPTER A

3 PRELIMINARY PROVISIONS

4 Sec.

5 7901. Short title of chapter.

6 7902. Legislative purpose.

7 7903. Definitions.

8 7904. Construction.

9 § 7901. Short title of chapter.

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

12 § 7902. Legislative purpose.

13 It is the purpose of this chapter to create a State program <--
14 to provide assistance to individuals and political subdivisions <--
15 AND MUNICIPAL AUTHORITIES directly affected by natural and man- <--
16 made disasters. State assistance ASSISTANCE will be limited to <--
17 grants for projects that do not qualify for Federal assistance
18 to help repair damages to primary residences, personal property <--
19 and public facilities. Grants will be made available by the
20 State AGENCY in a disaster emergency area only when a <--
21 Presidential disaster declaration is not covering the area.

22 § 7903. Definitions.

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

26 "Account." The Disaster Emergency Assistance Account <--
27 established under this chapter.

28 "Adjusted loss." The difference between:

29 (1) eligible loss; and

30 (2) covered loss.

1 "Agency." The Pennsylvania Emergency Management Agency.

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

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

10 "Eligible loss." Damage to real property utilized as a <--
11 primary residence of the owner, personal property or a public
12 facility caused by a natural or man-made disaster in a disaster
13 emergency area.

14 "Household." A social unit of individuals living together <--
15 and comprised of any of the following:

16 (1) Couples or legally married individuals and their
17 dependents.

18 (2) An individual and his dependents.

19 (3) Individuals who jointly own a residence and their
20 dependents.

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

23 "Liquor tax." The tax imposed under the act of June 9, 1936
24 (1st Sp.Sess., P.L.13, No.4), entitled as "An act imposing an
25 emergency State tax on liquor, as herein defined, sold by the
26 Pennsylvania Liquor Control Board; providing for the collection
27 and payment of such tax; and imposing duties upon the Department
28 of Revenue and the Pennsylvania Liquor Control Board."

29 "Man-made disaster." Any industrial, nuclear or
30 transportation accident, explosion, conflagration, power

1 failure, natural resource shortage or other condition, except
2 enemy action, resulting from man-made causes, including oil
3 spills and other environmental contamination, which threatens or
4 causes substantial damage to property, individuals, loss of life
5 or other hardships.

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

12 ~~"Personal property." Clothing, furniture, necessary~~ <--
13 ~~household items and appliances and essential tools for~~
14 ~~employment or education.~~

15 "PROGRAM." THE PUBLIC DISASTER ASSISTANCE GRANT PROGRAM <--
16 ESTABLISHED UNDER SUBCHAPTER B (RELATING TO PUBLIC DISASTER
17 ASSISTANCE GRANT PROGRAM).

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

- 21 (1) buildings and equipment;
- 22 (2) bridges, roads, highways and public ways;
- 23 (3) parks and recreational facilities;
- 24 (4) power generation and distribution facilities,
25 including natural gas systems, wind turbines, generators,
26 substations and power lines;
- 27 (5) sanitary sewer systems and wastewater treatment
28 facilities;
- 29 (6) drainage and flood control facilities;
- 30 (7) water treatment, water storage and water

1 distribution facilities; and

2 (8) any other improvement or infrastructure.

3 § 7904. Construction.

4 Grants shall be made to individuals, political subdivisions <--
5 or municipal authorities in a disaster emergency area for which
6 no Presidential disaster declaration has been issued.

7 SUBCHAPTER B <--

8 INDIVIDUAL DISASTER ASSISTANCE GRANT PROGRAM

9 Sec.

10 7911. Establishment.

11 7912. Eligibility.

12 7913. Application for and issuance of grant.

13 7914. Use of grant funds.

14 § 7911. Establishment.

15 The Individual Disaster Assistance Grant Program is
16 established within the agency to provide grants to individuals
17 for assistance with repair of disaster related damage.

18 § 7912. Eligibility.

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

21 (1) Suffer eligible loss which is not covered by
22 insurance.

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

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

27 § 7913. Application for and issuance of grant.

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

30 (1) An individual 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. Only one individual may apply per household.~~

~~(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 individual determined to be eligible under subsection (a) (3), the agency shall verify the adjusted loss. The maximum grant allowed under the Individual Disaster Assistance Grant Program is \$10,000 or the adjusted loss, whichever is less.~~

~~§ 7914. Use of grant funds.~~

~~Grant funds issued under the Individual Disaster Assistance Grant Program may be used for the following disaster related expenses:~~

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

~~(2) Repair, replacement or cleaning of personal~~

1 property.

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

4 ~~(4) Temporary housing.~~

5 ~~(5) Funeral expenses.~~

6 ~~(6) Medical or dental expenses.~~

7 SUBCHAPTER € B <--

8 PUBLIC DISASTER ASSISTANCE GRANT PROGRAM

9 Sec.

10 7921. Establishment.

11 7922. Eligibility.

12 7923. Application for and issuance of grant.

13 ~~7924. Use of grant funds~~ GRANT FUNDS. <--

14 7925. USE OF GRANT FUNDS. <--

15 7926. LIMITATIONS.

16 § 7921. Establishment.

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

23 § 7922. Eligibility.

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

27 § 7923. Application for and issuance of grant.

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

30 (1) A political subdivision or municipal authority must

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

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

11 (3) Within 30 days of receipt of the application, the
12 agency shall make an eligibility determination. An
13 eligibility determination under this paragraph is a final
14 order of the agency subject to review under 2 Pa.C.S. Ch. 7
15 Subch. A (relating to judicial review of Commonwealth agency
16 action).

17 (b) Issuance.--For each political subdivision or municipal
18 authority determined to be eligible under subsection (a) (3), the
19 agency shall verify the adjusted loss. The maximum grant allowed
20 under the ~~Public Disaster Assistance Grant Program~~ PROGRAM is <--
21 50% of the eligible ADJUSTED loss. <--

22 § 7924. GRANT FUNDS. <--

23 GRANTS UNDER THIS SUBCHAPTER SHALL BE MADE FROM FUNDS
24 APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE PROGRAM AND FROM
25 OTHER FEDERAL OR STATE FUNDS THE AGENCY MAY RECEIVE FOR THE
26 PROGRAM. THE AGENCY MAY USE UP TO 3% OF AVAILABLE PROGRAM FUNDS
27 FOR THE ADMINISTRATION OF THE PROGRAM.

28 § 7924 7925. Use of grant funds. <--

29 Grant funds issued under the ~~Public Disaster Assistance Grant~~ <--
30 ~~Program~~ PROGRAM may be used to assist in the repair or <--

1 replacement of public facilities due to disaster-related
2 damages. Funds may also be used for disaster-related debris
3 removal or to demolish a public facility if the facility was
4 made unsafe by the disaster.

5 § 7926. LIMITATIONS.

<--

6 NO GRANT UNDER THIS SUBCHAPTER SHALL BE FOR AN AMOUNT IN
7 EXCESS OF 25% OF AVAILABLE PROGRAM FUNDS. IF THE AMOUNT OF
8 APPROVED GRANT APPLICATIONS EXCEEDS AVAILABLE PROGRAM FUNDS,
9 GRANTS SHALL BE AWARDED ON A PRO RATA BASIS.

10 SUBCHAPTER D C

<--

11 MISCELLANEOUS PROVISIONS

12 Sec.

13 ~~7931. Disaster Emergency Assistance Account.~~

<--

14 ~~7932 7931. Powers and duties of agency.~~

<--

15 ~~§ 7931. Disaster Emergency Assistance Account.~~

<--

16 ~~(a) Establishment. A restricted account is hereby~~
17 ~~established in the State Treasury to be known as the Disaster~~
18 ~~Emergency Assistance Account. The account shall be for the~~
19 ~~purpose of making grants for assistance under the Individual~~
20 ~~Disaster Assistance Grant Program and the Public Disaster~~
21 ~~Assistance Grant Program.~~

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

27 ~~(c) Appropriation. Moneys transferred to the account are~~
28 ~~hereby appropriated from the account for the payment of grants~~
29 ~~authorized under Subchapters B (relating to Individual Disaster~~
30 ~~Assistance Grant Program) and C (relating to Public Disaster~~

1 ~~Assistance Grant Program).~~

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

4 ~~§ 7932 7931. Powers and duties of agency.~~ <--

5 The agency shall have the following duties and
6 responsibilities:

7 (1) Administer this chapter.

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

10 (i) Development of additional procedures or
11 requirements for the submission of grant applications.

12 (ii) Development of procedures to verify adjusted
13 loss.

14 (iii) Development of criteria for the determination
15 of the amount of assistance to be given to an individual <--
16 or political subdivision. A POLITICAL SUBDIVISION OR <--
17 MUNICIPAL AUTHORITY.

18 (IV) DEVELOPMENT OF A METHODOLOGY TO PRIORITIZE
19 PROJECTS BASED ON THE POTENTIAL IMPACT TO THE HEALTH AND
20 SAFETY OF THE CITIZENS OF THE AFFECTED COMMUNITY.

21 Section 2. This act shall take effect immediately.