

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

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPARDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 6, 2014

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, IN THE GOVERNOR AND DISASTER <--
3 EMERGENCIES, FURTHER PROVIDING FOR GENERAL AUTHORITY OF
4 GOVERNOR; providing for disaster emergency assistance; and
5 establishing the Public Disaster Assistance Grant Program.

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

8 Section 1. Title 35 of the Pennsylvania Consolidated <--
9 Statutes is amended by adding a chapter to read:

10 SECTION 1. SECTION 7301(F) OF TITLE 35 OF THE PENNSYLVANIA <--
11 CONSOLIDATED STATUTES IS AMENDED BY ADDING A PARAGRAPH TO READ:

12 § 7301. GENERAL AUTHORITY OF GOVERNOR.

13 * * *

14 (F) ADDITIONAL POWERS.--IN ADDITION TO ANY OTHER POWERS
15 CONFERRED UPON THE GOVERNOR BY LAW, THE GOVERNOR MAY:

16 * * *

17 (9) CONFER THE POWER OF ARREST ON THE LAW ENFORCEMENT

1 PERSONNEL SERVING AS PART OF THE EMERGENCY FORCES OF A PARTY
2 STATE DURING OPERATIONS IN THIS COMMONWEALTH PURSUANT TO A
3 DECLARATION OF A DISASTER EMERGENCY UNDER SUBSECTION (C). LAW
4 ENFORCEMENT PERSONNEL SHALL BE UNDER THE OPERATIONAL CONTROL
5 OF THE COMMISSIONER OF PENNSYLVANIA STATE POLICE AND SHALL
6 COMPLY WITH THE TERMS AND CONDITIONS OF THE EMERGENCY
7 MANAGEMENT ASSISTANCE COMPACT UNDER CHAPTER 76 (RELATING TO
8 EMERGENCY MANAGEMENT ASSISTANCE COMPACT). ARREST POWERS
9 GRANTED UNDER THIS PARAGRAPH SHALL EXPIRE WHEN THE
10 DECLARATION OF A DISASTER EMERGENCY IS TERMINATED BY
11 EXECUTIVE ORDER, PROCLAMATION OR OPERATION OF LAW, IF THE
12 ARREST POWERS HAVE NOT PREVIOUSLY BEEN TERMINATED.

13 SECTION 2. TITLE 35 IS AMENDED BY ADDING A CHAPTER TO READ:

14 CHAPTER 79

15 DISASTER EMERGENCY

16 ASSISTANCE

17 Subchapter

18 A. Preliminary Provisions

19 B. Public Disaster Assistance Grant Program

20 C. Miscellaneous Provisions

21 SUBCHAPTER A

22 PRELIMINARY PROVISIONS

23 Sec.

24 7901. Short title of chapter.

25 7902. Legislative purpose.

26 7903. Definitions.

27 7904. Construction.

28 § 7901. Short title of chapter.

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

1 § 7902. Legislative purpose.

2 It is the purpose of this chapter to create a program to
3 provide assistance to political subdivisions and municipal
4 authorities directly affected by natural and man-made disasters.
5 Assistance will be limited to grants for projects that do not
6 qualify for Federal assistance to help repair damages to public
7 facilities. Grants will be made available by the agency in a
8 disaster emergency area only when a Presidential disaster
9 declaration is not covering the area.

10 § 7903. Definitions.

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

14 "Adjusted loss." The difference between:

15 (1) eligible loss; and

16 (2) covered loss.

17 "Agency." The Pennsylvania Emergency Management Agency.

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

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

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

28 "Man-made disaster." Any industrial, nuclear or
29 transportation accident, explosion, conflagration, power
30 failure, natural resource shortage or other condition, except

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

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

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

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

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

29 § 7904. Construction.

30 Grants shall be made to political subdivisions or municipal

1 authorities in a disaster emergency area for which no
2 Presidential disaster declaration has been issued.

3 SUBCHAPTER B

4 PUBLIC DISASTER ASSISTANCE GRANT PROGRAM

5 Sec.

6 7921. Establishment.

7 7922. Eligibility.

8 7923. Application for and issuance of grant.

9 7924. Grant funds.

10 7925. Use of grant funds.

11 7926. Limitations.

12 § 7921. Establishment.

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

19 § 7922. Eligibility.

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

23 § 7923. Application for and issuance of grant.

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

26 (1) A political subdivision or municipal authority must
27 apply for a grant on a form furnished by the agency, setting
28 forth the facts establishing eligibility and certifying that
29 if approved all funds received will be used for purposes
30 approved by the agency. An application under this paragraph

1 is subject to 18 Pa.C.S. § 4904 (relating to unsworn
2 falsification to authorities). The application must be
3 submitted within 60 days following the declaration of a
4 disaster emergency.

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

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

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

17 § 7924. Grant funds.

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

23 § 7925. Use of grant funds.

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

29 § 7926. Limitations.

30 No grant under this subchapter shall be for an amount in

1 excess of 25% of available program funds. If the amount of
2 approved grant applications exceeds available program funds,
3 grants shall be awarded on a pro rata basis.

4 SUBCHAPTER C

5 MISCELLANEOUS PROVISIONS

6 Sec.

7 7931. Powers and duties of agency.

8 § 7931. Powers and duties of agency.

9 The agency shall have the following duties and
10 responsibilities:

11 (1) Administer this chapter.

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

14 (i) Development of additional procedures or
15 requirements for the submission of grant applications.

16 (ii) Development of procedures to verify adjusted
17 loss.

18 (iii) Development of criteria for the determination
19 of the amount of assistance to be given to a political
20 subdivision or municipal authority.

21 (iv) Development of a methodology to prioritize
22 projects based on the potential impact to the health and
23 safety of the citizens of the affected community.

24 Section 2 3. This act shall take effect immediately.

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