

No. 45

AN ACT

HB 347

Providing certain grants to owners or operators of farms who suffered flood damage as a result of the Great Storm and Flood of September, 1971 and June, 1972.

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

Section 1. Eligibility for Grants.—Commonwealth payments may be made to persons owning or operating farms situate in the Commonwealth of Pennsylvania on or before July 1, 1972, who suffered damage to their land, crops, livestock, farm home, buildings, machinery and any other real or personal property located thereon or connected therewith as a result of the floods of September 1971, and June, 1972, and who have applied for financial assistance: Provided, That the total loss to their land, crops, livestock, farm home, buildings, machinery, and any other real or personal property combined may be ascertained in accordance with the amount approved by the Farmers Home Administration or Small Business Administration Disaster Loan or by any other Federal agency.

Section 2. Payments.—(a) Payments to any such person determined to be eligible under section 1 of this act shall not exceed the lesser of: (i) fifteen per cent of the damages attributable to said floods in excess of five thousand dollars (\$5,000) or (ii) five thousand dollars (\$5,000). Damages as used in this section shall not include preflood indebtedness which has been consolidated with the property loss, nor shall it include any loss covered by an insurance policy. Any additional compensation or other assistance received from the United States, except for the Farmers Home Administration loan, or from the Commonwealth, or from other agencies, shall be added to increase the five thousand dollars (\$5,000) base not eligible in computation of the grant.

(b) If sufficient funds are not allocated herein, distribution of grants shall be on a pro rata basis.

(c) Six per cent shall be added to all grants hereunder.

Section 3. Administration.—All grants under this act shall be administered by the Pennsylvania Department of Agriculture, and the actual extent of damages for any applicant shall be determined through the Farmers Home Administration loan application damage reports and other applicable documents, and through investigation by the Department of Agriculture of the Commonwealth. In conducting any investigations the Department of Agriculture may utilize the services of the Department of Revenue.

Section 4. Time for Application.—All applications for grants shall be submitted within one hundred twenty days after the effective date of this act.

Section 5. Allocation of Funds.—A sum not to exceed twelve million dollars (\$12,000,000) shall be allocated by the Governor for the purpose of administering and implementing this act from funds made available under the Emergency Disaster Relief Act of July 7, 1972 (No.18-A). Any funds unencumbered or unexpended after all claims under this act have been finally determined shall be returned to the Emergency Disaster Relief Fund.

Section 6. Penalty.—Any person making a false claim under the provisions of this act shall be subject to a penalty in the amount of three times the amount of the grant with interest at the rate of six per cent from the date of the grant. Such a penalty may be enforced by the Commonwealth in an assumpsit action and collected in the manner that other debts due and owing the Commonwealth are collected.

Section 7. Rules and Regulations.—The Secretary of Agriculture shall promulgate rules and regulations consistent with this act for the orderly and proper administration thereof.

Section 8. Severability.—If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid application or provision, and to this end the provisions of this act are declared to be severable.

Section 9. Effective Date.—This act shall take effect immediately.

APPROVED—The 17th day of July, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 45.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.