

## No. 1996-3 (SS2)

## AN ACT

## HB 6

Establishing and making an appropriation for the Supplemental Individual Assistance Program for individuals suffering losses because of the blizzard of January 1996 and the resulting flood emergency; and making an appropriation of certain tax amnesty revenues to the Governor for payment of the Commonwealth's share to secure individual assistance from the Federal Government.

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

**Section 1. Short title.**

This act shall be known and may be cited as the Weather Disaster Relief Act for January 1996.

**Section 2. Declaration of policy.**

The General Assembly finds and declares as follows:

(1) The blizzard of January 1996 and the resulting flood emergency impacted many counties of this Commonwealth causing substantial damage to residences and personal property.

(2) Federal emergency declarations designated certain areas as eligible for individual and family disaster relief.

(3) The combination of private insurance and Federal grants and loans may provide insufficient compensation for individual and family losses in some instances.

(4) Pursuant to section 17(b) of Article VIII of the Constitution of Pennsylvania, the Commonwealth should provide additional aid to certain individuals to supplement compensation received from private insurance and the Federal Government.

**Section 3. Definitions.**

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

“Adjusted loss.” The difference between:

- (1) eligible loss; and
- (2) covered loss.

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

“Department.” The Department of Public Welfare of the Commonwealth.

“Eligible loss.” Damage caused by the blizzard of January 1996 and the resulting flood emergency to real property utilized as a primary residence of

the owner or personal property which is eligible for individual or family assistance under The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 88 Stat. 143). This paragraph does not include an item used principally for recreational purposes.

“Program.” The Supplemental Individual Assistance Program established under section 6.

#### Section 4. Powers and duties of the department.

The department shall have the following duties and responsibilities:

(1) Administer the program under section 6 pursuant to guidelines developed by the department.

(2) Develop a plan to publicize the program in those areas most severely affected by the blizzard of January 1996 and the resulting flood emergency.

#### Section 5. Restricted account.

(a) Establishment.—A restricted account is established in the State Treasury funded by the appropriation contained in section 7 from which grants to individuals and families shall be provided by the department under section 6 to individuals who are eligible under section 6 because of the blizzard of January 1996 and the resulting flood emergency.

(b) Termination.—The program and account shall terminate on June 30, 1997. Any moneys remaining in the account on that date shall be transferred to the General Fund.

#### Section 6. Supplemental Individual Assistance Program.

(a) Establishment.—There is hereby established the Supplemental Individual Assistance Program.

(b) Eligibility.—To be eligible for a grant, an individual must meet all of the following:

(1) Suffer eligible loss.

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

(3) Have a household income from 1995 which does not exceed 300% of the 1995 poverty income guidelines.

(4) Have applied to the Federal Government for individual or family assistance under The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 88 Stat. 143) and have received the maximum total allowable amount of \$12,900.

(c) Procedure.—

(1) An individual must apply for a grant under this section on a form furnished by the department, setting forth the facts establishing eligibility. An application under this paragraph is subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(2) The department shall investigate the application to determine eligibility.

(3) Within 60 days of receipt of the application, the department shall make an eligibility determination. An eligibility determination under this

paragraph is a final order of the department subject to review under 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(4) Failure of the department to comply with the time requirement of paragraph (3) shall be deemed a determination of eligibility.

(d) Grants.—

(1) For each recipient determined to be eligible under subsection (c)(3) or (4), the department shall determine the adjusted loss.

(2) Grants shall be made to recipients as follows:

(i) 75% of the adjusted loss for individuals or families with incomes less than 150% of poverty.

(ii) 50% of the adjusted loss for individuals or families with incomes between 150% and 300% of poverty.

(3) The maximum grant allowed from the account is \$12,900.

Section 7. Appropriation of tax amnesty revenues.

(a) Appropriation of revenues.—The sum of \$13,000,000 is hereby appropriated from the restricted revenue account in the General Fund for allocation by the Governor for payment of the Commonwealth's share necessary to secure individual and family assistance from the Federal Government under the provisions of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 88 Stat. 143) and for payment of grants authorized pursuant to section 6. Nothing in this section shall supplant or replace any funds otherwise available from the Federal Government. Any funds not needed for purposes of this act shall lapse to the General Fund on June 30, 1997.

(b) Construction.—This section shall be liberally construed to secure all available Federal funding for individual and family assistance.

Section 8. Effective date.

This act shall take effect immediately.

APPROVED—The 31st day of May, A.D. 1996.

THOMAS J. RIDGE