

No. 1999-57

AN ACT

SB 1135

Providing for emergency drought relief, for commercial orchard and fruit tree nursery indemnity, for grants for flood damage and for powers and duties of the Department of Agriculture; establishing the Supplemental Individual Assistance Program; providing for payment of the Commonwealth's share to secure individual assistance from the Federal Government; and making appropriations.

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

CHAPTER 1
PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Drought, Orchard and Nursery Indemnity and Flood Relief Act.

CHAPTER 3
EMERGENCY DROUGHT RELIEF

Section 301. Definitions.

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

“Crop.” An eligible crop defined by the United States Department of Agriculture-Farm Service Agency for the 1999 Crop Disaster Program.

“Department.” The Department of Agriculture of the Commonwealth.

“Eligible producer.” A person that:

(1) operated a farm in this Commonwealth which suffered a crop loss of at least 35% due to the drought of 1999; and

(2) is engaged in the business of producing crops within this Commonwealth.

“Federal program.” The United States Department of Agriculture-Farm Service Agency 1999 Crop Disaster Program.

“Program.” The Drought Relief Program established in section 302.

“USDA.” The United States Department of Agriculture.

“USDA-FSA.” The United States Department of Agriculture-Farm Service Agency.

Section 302. Drought relief.

(a) Program.—There is established the Drought Relief Program to provide grants to eligible producers adversely affected by the 1999 drought. In administering the program, the department shall cooperate with Federal and other Commonwealth agencies and private entities and may accept Federal drought relief or disaster assistance funds or private funds to provide grants to eligible producers.

(b) Application procedure.—To receive a grant under the program, an eligible producer must submit an application to the department in a manner prescribed by the department.

(c) Grant criteria.—The department shall review applications and award grants using an eligible producer’s approved application for the Federal program or other documentation from which Federal payment for eligible producers will be calculated. Each eligible producer shall be eligible for a grant under this chapter in an amount not to exceed 75% of the grant received under the Federal program. If funds appropriated under section 5102(a) are not sufficient to provide grants prescribed under this chapter to all approved eligible producers, grants shall be made to eligible producers on a pro rata basis.

(d) Powers and duties of department.—The department is authorized to enter into agreements with Federal and State agencies as necessary to implement the provisions of this chapter.

(e) Intent.—It is the intent of the General Assembly that the Commonwealth funds provided under this chapter are in addition to the \$75,000,000 or more in funds provided by the Federal Government.

CHAPTER 5 COMMERCIAL ORCHARD AND FRUIT TREE NURSERY INDEMNITY

Section 501. Definitions.

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

“Department.” The Department of Agriculture of the Commonwealth.

“Owner.” A person that owns a commercial orchard or a commercial fruit tree nursery.

“Program.” The Commercial Orchard and Fruit Tree Nursery Indemnity Program established in section 502.

Section 502. Program.

(a) Establishment.—The Commercial Orchard and Fruit Tree Nursery Indemnity Program is established.

(b) Purpose.—The purpose of the program is to make grants to indemnify owners for the following costs incurred relating to the plum pox virus:

- (1) Removal and destruction of trees and nursery stock.
- (2) Treatment with herbicides.
- (3) Vector control.
- (4) Other activities necessary to eradicate the plum pox virus.

(c) Procedure.—

(1) To receive a grant under the program, an owner must submit an application to the department on a form prepared by the department. The application must contain sufficient information and documentation to establish:

- (i) the loss sustained by the owner; and
- (ii) that the expenses incurred were the direct result of the plum pox virus.

(2) The department shall accept or reject an application by the date specified on the application form.

(d) Indemnification.—

(1) The department shall determine the amount of reimbursement for the destruction of commercial orchard trees or nursery stock. The maximum determination under this paragraph is \$1,000 per acre.

(2) The amount of indemnity which the department may pay under this section shall be limited to the amount of funds appropriated for this purpose.

CHAPTER 7
1999 FLOOD RELIEF

Section 701. Definitions.

The following words and phrases when used in this chapter 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 floods of 1999 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 703.

Section 702. Powers and duties of department.

The department shall have the following duties and responsibilities:

- (1) Administer the program under section 703 pursuant to guidelines developed by the department.
- (2) Develop a plan to publicize the program in those areas most severely affected by the floods of 1999 and the resulting flood emergency.

Section 703. Supplemental Individual Assistance Program.

(a) Establishment.—There is 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 1998 which does not exceed 300% of the 1998 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 \$13,600.

(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.

(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) Determination.—

(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 \$13,600.

(e) Expiration.—The program shall terminate on June 30, 2000.

CHAPTER 51 MISCELLANEOUS PROVISIONS

Section 5101. Unsworn falsification.

Any application made under this act is subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Section 5102. Appropriations.

(a) Drought relief.—The sum of \$60,000,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Agriculture to carry out the provisions of Chapter 3. Any funds not needed for the purposes of Chapter 3 shall lapse to the General Fund on December 31, 2000.

(b) Crop insurance.—The sum of \$5,600,000, or as much as may be necessary, is hereby appropriated to the Department of Agriculture to provide payment for crop insurance under the USDA-FSA 1999 Crop Disaster Program in an amount up to 10% of the cost of the insurance premiums and the total amount of all related fees for eligible producers, as defined in Chapter 3, during calendar years 2000 and 2001. If sufficient funds are not available to provide for up to 10% of the cost of the insurance premiums and the total amount of all related fees, the Department of Agriculture shall prorate the available funds among the eligible producers. Any unused funds shall lapse into the General Fund on June 30, 2001.

(c) Orchard and nursery indemnity.—The sum of \$2,000,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Agriculture to carry out the provisions of Chapter 5. Any funds not needed

for the purposes of Chapter 5 shall lapse to the General Fund on June 30, 2001.

(d) Public assistance and hazard mitigation.—The sum of \$10,000,000, or as much thereof as may be necessary, is hereby appropriated to the Pennsylvania Emergency Management Agency for the match required for Federal disaster funds for the August and September 1999 disasters for public assistance and hazard mitigation to be allocated by the Office of the Budget among these disasters and programs. This appropriation shall be a continuing appropriation.

(e) Supplemental Individual Assistance Program.—The sum of \$5,000,000 is hereby appropriated from 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 Supplemental Individual Assistance Program grants authorized pursuant to Chapter 7. This subsection shall be construed in a manner which secures the maximum available Federal funding for individual and family assistance. Any unused funds not needed for purposes of this appropriation shall lapse to the General Fund on June 30, 2000.

(f) Other Federal funding.—Nothing in this act shall supplant or replace any funds otherwise available from the Federal Government.

Section 5103. Effective date.

This act shall take effect immediately.

APPROVED—The 13th day of December, A.D. 1999.

THOMAS J. RIDGE