

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 735 Session of 2023

INTRODUCED BY WARREN, BURGOS, MADDEN, T. DAVIS, FREEMAN, VITALI, BRENNAN, DELLOSO, PICKETT, CIRESI, TAKAC, KHAN, BOROWSKI, SANCHEZ, BOYLE, WEBSTER AND FLEMING, MARCH 28, 2023

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 24, 2023

AN ACT

1 ~~Establishing the Flood Insurance Premium Assistance Task Force.~~ <--
2 AMENDING THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), ENTITLED <--
3 "AN ACT PROVIDING FOR AND REORGANIZING THE CONDUCT OF THE
4 EXECUTIVE AND ADMINISTRATIVE WORK OF THE COMMONWEALTH BY THE
5 EXECUTIVE DEPARTMENT THEREOF AND THE ADMINISTRATIVE
6 DEPARTMENTS, BOARDS, COMMISSIONS, AND OFFICERS THEREOF,
7 INCLUDING THE BOARDS OF TRUSTEES OF STATE NORMAL SCHOOLS, OR
8 TEACHERS COLLEGES; ABOLISHING, CREATING, REORGANIZING OR
9 AUTHORIZING THE REORGANIZATION OF CERTAIN ADMINISTRATIVE
10 DEPARTMENTS, BOARDS, AND COMMISSIONS; DEFINING THE POWERS AND
11 DUTIES OF THE GOVERNOR AND OTHER EXECUTIVE AND ADMINISTRATIVE
12 OFFICERS, AND OF THE SEVERAL ADMINISTRATIVE DEPARTMENTS,
13 BOARDS, COMMISSIONS, AND OFFICERS; FIXING THE SALARIES OF THE
14 GOVERNOR, LIEUTENANT GOVERNOR, AND CERTAIN OTHER EXECUTIVE
15 AND ADMINISTRATIVE OFFICERS; PROVIDING FOR THE APPOINTMENT OF
16 CERTAIN ADMINISTRATIVE OFFICERS, AND OF ALL DEPUTIES AND
17 OTHER ASSISTANTS AND EMPLOYES IN CERTAIN DEPARTMENTS, BOARDS,
18 AND COMMISSIONS; PROVIDING FOR JUDICIAL ADMINISTRATION; AND
19 PRESCRIBING THE MANNER IN WHICH THE NUMBER AND COMPENSATION
20 OF THE DEPUTIES AND ALL OTHER ASSISTANTS AND EMPLOYES OF
21 CERTAIN DEPARTMENTS, BOARDS AND COMMISSIONS SHALL BE
22 DETERMINED," PROVIDING FOR FLOOD INSURANCE PREMIUM ASSISTANCE
23 TASK FORCE; IN POWERS AND DUTIES OF DEPARTMENT OF HUMAN
24 SERVICES AND ITS DEPARTMENTAL ADMINISTRATIVE AND ADVISORY
25 BOARDS AND COMMISSIONS, PROVIDING FOR CHILD SUPPORT
26 ENFORCEMENT FEES; AND, IN JUDICIAL ADMINISTRATION, PROVIDING
27 FOR SURCHARGE AND FEE.

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

1 ~~Section 1. Short title.~~

2 ~~This act shall be known and may be cited as the Flood-~~  
3 ~~Insurance Premium Assistance Task Force Act.~~

4 ~~Section 2. Findings.~~

5 ~~The General Assembly finds that:~~

6 ~~(1) Many communities within this Commonwealth have faced-~~  
7 ~~devastating floods in recent years.~~

8 ~~(2) The provisions of 42 U.S.C. Ch. 50 (relating to-~~  
9 ~~national flood insurance), has caused steep increases in-~~  
10 ~~flood insurance premiums to pay for increased spending in the-~~  
11 ~~Federal Emergency Management Agency's (FEMA) flood disaster-~~  
12 ~~assistance program.~~

13 ~~(3) In the past several years, FEMA has revised its-~~  
14 ~~flood mapping to include many properties that previously did-~~  
15 ~~not require flood insurance.~~

16 ~~(4) Whole communities along Pennsylvania's rivers and-~~  
17 ~~creeks could be devastated by plummeting property values due-~~  
18 ~~to unaffordable flood insurance premiums.~~

19 ~~Section 3. Flood Insurance Premium Assistance Task Force.~~

20 ~~(a) Establishment. The Flood Insurance Premium Assistance-~~  
21 ~~Task Force is established.~~

22 ~~(b) Membership. The task force shall consist of the-~~  
23 ~~following members, appointed within 25 days after the effective-~~  
24 ~~date of this subsection:~~

25 ~~(1) The Insurance Commissioner, or a designee who shall-~~  
26 ~~be an employee of the Insurance Department appointed by the-~~  
27 ~~Insurance Commissioner, shall be the chair of the task force.~~

28 ~~(2) The Director of the Pennsylvania Emergency-~~  
29 ~~Management Agency, or a designee who shall be an employee of-~~  
30 ~~the Pennsylvania Emergency Management Agency appointed by the-~~

1 ~~Director of the Pennsylvania Emergency Management Agency.~~

2 ~~(3) The Secretary of Banking and Securities, or a~~  
3 ~~designee who shall be an employee of the Department of~~  
4 ~~Banking and Securities appointed by the Secretary of Banking~~  
5 ~~and Securities.~~

6 ~~(4) One member appointed by the President pro tempore of~~  
7 ~~the Senate.~~

8 ~~(5) One member appointed by the Minority Leader of the~~  
9 ~~Senate.~~

10 ~~(6) One member appointed by the Speaker of the House of~~  
11 ~~Representatives.~~

12 ~~(7) One member appointed by the Minority Leader of the~~  
13 ~~House of Representatives.~~

14 ~~(c) Conducting of business. The task force shall conduct~~  
15 ~~its business as follows:~~

16 ~~(1) The physical presence of a majority of the members~~  
17 ~~shall constitute a quorum of the task force.~~

18 ~~(2) Action of the task force must be authorized or~~  
19 ~~ratified by a majority vote of its members.~~

20 ~~(3) A member not physically present may participate by~~  
21 ~~teleconference or video conference.~~

22 ~~(4) The first meeting shall be convened within 45 days~~  
23 ~~of the effective date of this paragraph. Additional meetings~~  
24 ~~may be called by the chair as necessary.~~

25 ~~(5) The chair shall schedule a meeting upon written~~  
26 ~~request of a two thirds majority of the members of the task~~  
27 ~~force.~~

28 ~~(6) The task force shall hold public hearings as~~  
29 ~~necessary to obtain the information required to conduct its~~  
30 ~~review.~~

1           ~~(7) All meetings and hearings held by the task force~~  
2 ~~shall be subject to 65 Pa.C.S. Ch. 7 (relating to open~~  
3 ~~meetings).~~

4           ~~(8) The Department of Community and Economic~~  
5 ~~Development, the Department of Conservation and Natural~~  
6 ~~Resources, the Department of Environmental Protection and the~~  
7 ~~Insurance Department shall cooperate to provide~~  
8 ~~administrative or other assistance to the task force.~~

9           ~~(9) Members may not receive compensation but shall be~~  
10 ~~reimbursed for reasonable and necessary expenses incurred in~~  
11 ~~service of the task force.~~

12           ~~(d) Powers and duties. The task force shall have the~~  
13 ~~following powers and duties:~~

14           ~~(1) To review and analyze the law, procedures,~~  
15 ~~practices, processes and rules relating to the administration~~  
16 ~~of flood insurance.~~

17           ~~(2) To hold public hearings for the taking of testimony~~  
18 ~~and the requesting of documents.~~

19           ~~(3) Through its chair, to administer oaths and~~  
20 ~~affirmations to witnesses appearing before the task force.~~

21           ~~(4) To accept and review written comments from~~  
22 ~~individuals and organizations.~~

23           ~~(5) To make, by no later than six months after the~~  
24 ~~effective date of this paragraph, a final report to the~~  
25 ~~Governor, the Senate and the House of Representatives. In~~  
26 ~~addition to any information that the task force deems~~  
27 ~~appropriate, the report shall include recommendations~~  
28 ~~regarding:~~

29           ~~(i) potential programs that provide premium~~  
30 ~~discounts;~~

1           ~~(ii) potential programs, whether through the~~  
2           ~~mechanism of premium discounts or other relief, that~~  
3           ~~create incentives for local governments to undertake or~~  
4           ~~continue flood mitigation efforts;~~

5           ~~(iii) the implementation of necessary changes in~~  
6           ~~statutes and practices of this Commonwealth, policies and~~  
7           ~~procedures relating to the administration of flood~~  
8           ~~insurance;~~

9           ~~(iv) how to educate residents of this Commonwealth~~  
10           ~~about the risk of flooding and ways to mitigate flood~~  
11           ~~occurrences;~~

12           ~~(v) steps that the Commonwealth should take to~~  
13           ~~inform residents about the options available when~~  
14           ~~purchasing flood insurance; and~~

15           ~~(vi) how to increase the number of people that~~  
16           ~~purchase flood insurance, either through the National~~  
17           ~~Flood Insurance Program or the private flood insurance~~  
18           ~~market.~~

19           ~~(e) Report. The report made under this act shall be:~~

20           ~~(1) Adopted at a public meeting.~~

21           ~~(2) A public record under the act of February 14, 2008~~  
22           ~~(P.L.6, No.3), known as the Right to Know Law.~~

23           ~~(f) Expiration. The task force shall expire 30 days after~~  
24           ~~making the final report to the Governor, the Senate and the~~  
25           ~~House of Representatives under subsection (d) (5).~~

26           ~~Section 4. Effective date.~~

27           ~~This act shall take effect in 60 days.~~

28           SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN <--  
29 AS THE ADMINISTRATIVE CODE OF 1929, IS AMENDED BY ADDING AN  
30 ARTICLE TO READ:

1 ARTICLE XV-C

2 FLOOD INSURANCE PREMIUM ASSISTANCE TASK FORCE

3 SECTION 1501-C. DEFINITIONS.

4 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
5 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
6 CONTEXT CLEARLY INDICATES OTHERWISE:

7 "FEMA." THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

8 "TASK FORCE." THE FLOOD INSURANCE PREMIUM ASSISTANCE TASK  
9 FORCE ESTABLISHED UNDER SECTION 1503-C.

10 SECTION 1502-C. FINDINGS.

11 THE GENERAL ASSEMBLY FINDS THAT:

12 (1) MANY COMMUNITIES WITHIN THIS COMMONWEALTH HAVE FACED  
13 DEVASTATING FLOODS IN RECENT YEARS.

14 (2) THE PROVISIONS OF 42 U.S.C. CH. 50 (RELATING TO  
15 NATIONAL FLOOD INSURANCE), HAS CAUSED STEEP INCREASES IN  
16 FLOOD INSURANCE PREMIUMS TO PAY FOR INCREASED SPENDING IN  
17 FEMA FLOOD DISASTER ASSISTANCE PROGRAM.

18 (3) IN THE PAST SEVERAL YEARS, FEMA HAS REVISED ITS  
19 FLOOD MAPPING TO INCLUDE MANY PROPERTIES THAT PREVIOUSLY DID  
20 NOT REQUIRE FLOOD INSURANCE.

21 (4) WHOLE COMMUNITIES ALONG PENNSYLVANIA'S RIVERS AND  
22 CREEKS COULD BE DEVASTATED BY PLUMMETING PROPERTY VALUES DUE  
23 TO UNAFFORDABLE FLOOD INSURANCE PREMIUMS.

24 SECTION 1503-C. FLOOD INSURANCE PREMIUM ASSISTANCE TASK FORCE.

25 (A) ESTABLISHMENT.--THE FLOOD INSURANCE PREMIUM ASSISTANCE  
26 TASK FORCE IS ESTABLISHED.

27 (B) MEMBERSHIP.--THE TASK FORCE SHALL CONSIST OF THE  
28 FOLLOWING MEMBERS, APPOINTED WITHIN 25 DAYS AFTER THE EFFECTIVE  
29 DATE OF THIS SUBSECTION:

30 (1) THE INSURANCE COMMISSIONER, OR A DESIGNEE WHO SHALL

1 BE AN EMPLOYEE OF THE INSURANCE DEPARTMENT APPOINTED BY THE  
2 INSURANCE COMMISSIONER, SHALL BE THE CHAIR OF THE TASK FORCE.

3 (2) THE DIRECTOR OF THE PENNSYLVANIA EMERGENCY  
4 MANAGEMENT AGENCY, OR A DESIGNEE WHO SHALL BE AN EMPLOYEE OF  
5 THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY APPOINTED BY THE  
6 DIRECTOR OF THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.

7 (3) THE SECRETARY OF BANKING AND SECURITIES, OR A  
8 DESIGNEE WHO SHALL BE AN EMPLOYEE OF THE DEPARTMENT OF  
9 BANKING AND SECURITIES APPOINTED BY THE SECRETARY OF BANKING  
10 AND SECURITIES.

11 (4) ONE MEMBER APPOINTED BY THE PRESIDENT PRO TEMPORE OF  
12 THE SENATE.

13 (5) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE  
14 SENATE.

15 (6) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF  
16 REPRESENTATIVES.

17 (7) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE  
18 HOUSE OF REPRESENTATIVES.

19 (C) CONDUCTING OF BUSINESS.--THE TASK FORCE SHALL CONDUCT  
20 ITS BUSINESS AS FOLLOWS:

21 (1) THE PHYSICAL PRESENCE OF A MAJORITY OF THE MEMBERS  
22 SHALL CONSTITUTE A QUORUM OF THE TASK FORCE.

23 (2) ACTION OF THE TASK FORCE MUST BE AUTHORIZED OR  
24 RATIFIED BY A MAJORITY VOTE OF ITS MEMBERS.

25 (3) A MEMBER NOT PHYSICALLY PRESENT MAY PARTICIPATE BY  
26 TELECONFERENCE OR VIDEO CONFERENCE.

27 (4) THE FIRST MEETING SHALL BE CONVENED WITHIN 45 DAYS  
28 OF THE EFFECTIVE DATE OF THIS PARAGRAPH. ADDITIONAL MEETINGS  
29 MAY BE CALLED BY THE CHAIR AS NECESSARY.

30 (5) THE CHAIR SHALL SCHEDULE A MEETING UPON WRITTEN

1 REQUEST OF A TWO-THIRDS MAJORITY OF THE MEMBERS OF THE TASK  
2 FORCE.

3 (6) THE TASK FORCE SHALL HOLD PUBLIC HEARINGS AS  
4 NECESSARY TO OBTAIN THE INFORMATION REQUIRED TO CONDUCT ITS  
5 REVIEW.

6 (7) ALL MEETINGS AND HEARINGS HELD BY THE TASK FORCE  
7 SHALL BE SUBJECT TO 65 PA.C.S. CH. 7 (RELATING TO OPEN  
8 MEETINGS).

9 (8) THE DEPARTMENT OF COMMUNITY AND ECONOMIC  
10 DEVELOPMENT, THE DEPARTMENT OF CONSERVATION AND NATURAL  
11 RESOURCES, THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE  
12 INSURANCE DEPARTMENT SHALL COOPERATE TO PROVIDE  
13 ADMINISTRATIVE OR OTHER ASSISTANCE TO THE TASK FORCE.

14 (9) MEMBERS MAY NOT RECEIVE COMPENSATION BUT SHALL BE  
15 REIMBURSED FOR REASONABLE AND NECESSARY EXPENSES INCURRED IN  
16 SERVICE OF THE TASK FORCE.

17 (D) POWERS AND DUTIES.--THE TASK FORCE SHALL HAVE THE  
18 FOLLOWING POWERS AND DUTIES:

19 (1) TO REVIEW AND ANALYZE THE LAW, PROCEDURES,  
20 PRACTICES, PROCESSES AND RULES RELATING TO THE ADMINISTRATION  
21 OF FLOOD INSURANCE.

22 (2) TO HOLD PUBLIC HEARINGS FOR THE TAKING OF TESTIMONY  
23 AND THE REQUESTING OF DOCUMENTS.

24 (3) THROUGH ITS CHAIR, TO ADMINISTER OATHS AND  
25 AFFIRMATIONS TO WITNESSES APPEARING BEFORE THE TASK FORCE.

26 (4) TO ACCEPT AND REVIEW WRITTEN COMMENTS FROM  
27 INDIVIDUALS AND ORGANIZATIONS.

28 (5) TO MAKE, BY NO LATER THAN SIX MONTHS AFTER THE  
29 EFFECTIVE DATE OF THIS PARAGRAPH, A FINAL REPORT TO THE  
30 GOVERNOR, THE SENATE AND THE HOUSE OF REPRESENTATIVES. IN

1 ADDITION TO ANY INFORMATION THAT THE TASK FORCE DEEMS  
2 APPROPRIATE, THE REPORT SHALL INCLUDE RECOMMENDATIONS  
3 REGARDING:

4 (I) POTENTIAL PROGRAMS THAT PROVIDE PREMIUM  
5 DISCOUNTS;

6 (II) POTENTIAL PROGRAMS, WHETHER THROUGH THE  
7 MECHANISM OF PREMIUM DISCOUNTS OR OTHER RELIEF, THAT  
8 CREATE INCENTIVES FOR LOCAL GOVERNMENTS TO UNDERTAKE OR  
9 CONTINUE FLOOD MITIGATION EFFORTS;

10 (III) THE IMPLEMENTATION OF NECESSARY CHANGES IN  
11 STATUTES AND PRACTICES OF THIS COMMONWEALTH, POLICIES AND  
12 PROCEDURES RELATING TO THE ADMINISTRATION OF FLOOD  
13 INSURANCE;

14 (IV) HOW TO EDUCATE RESIDENTS OF THIS COMMONWEALTH  
15 ABOUT THE RISK OF FLOODING AND WAYS TO MITIGATE FLOOD  
16 OCCURRENCES;

17 (V) STEPS THAT THE COMMONWEALTH SHOULD TAKE TO  
18 INFORM RESIDENTS ABOUT THE OPTIONS AVAILABLE WHEN  
19 PURCHASING FLOOD INSURANCE; AND

20 (VI) HOW TO INCREASE THE NUMBER OF PEOPLE THAT  
21 PURCHASE FLOOD INSURANCE, EITHER THROUGH THE NATIONAL  
22 FLOOD INSURANCE PROGRAM OR THE PRIVATE FLOOD INSURANCE  
23 MARKET.

24 (E) REPORT.--THE REPORT MADE UNDER THIS ARTICLE SHALL BE:

25 (1) ADOPTED AT A PUBLIC MEETING.

26 (2) A PUBLIC RECORD UNDER THE ACT OF FEBRUARY 14, 2008  
27 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

28 (F) EXPIRATION.--THE TASK FORCE SHALL EXPIRE 30 DAYS AFTER  
29 MAKING THE FINAL REPORT TO THE GOVERNOR, THE SENATE AND THE  
30 HOUSE OF REPRESENTATIVES UNDER SUBSECTION (D) (5).

1 SECTION 2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:  
2 SECTION 2338. CHILD SUPPORT ENFORCEMENT FEES.--THE  
3 DEPARTMENT OF HUMAN SERVICES MAY IMPOSE A FEE OF THIRTY-FIVE  
4 DOLLARS (\$35) IN EACH CHILD SUPPORT CASE IN WHICH AN INDIVIDUAL  
5 HAS NEVER RECEIVED ASSISTANCE UNDER 42 U.S.C. CH. 7 SUBCH. IV  
6 PT. A (RELATING TO BLOCK GRANTS TO STATES FOR TEMPORARY  
7 ASSISTANCE FOR NEEDY FAMILIES) AND FOR WHOM THE COMMONWEALTH HAS  
8 COLLECTED AT LEAST FIVE HUNDRED FIFTY DOLLARS (\$550) OF SUPPORT  
9 IN A FEDERAL FISCAL YEAR. THE COMMONWEALTH SHALL PAY THE THIRTY-  
10 FIVE DOLLAR (\$35) FEE FOR THOSE CASES IN WHICH THE ANNUAL  
11 COLLECTION IS BETWEEN FIVE HUNDRED FIFTY DOLLARS (\$550) AND ONE  
12 THOUSAND NINE HUNDRED NINETY-NINE DOLLARS AND NINETY-NINE CENTS  
13 (\$1,999.99). THE THIRTY-FIVE DOLLAR (\$35) FEE SHALL BE COLLECTED  
14 FROM THE CUSTODIAL PARENT IN CASES WHERE ANNUAL COLLECTIONS  
15 EQUAL TWO THOUSAND DOLLARS (\$2,000) OR MORE. NOTWITHSTANDING ANY  
16 OTHER PROVISION OF LAW, THE FEDERALLY MANDATED THIRTY-FIVE  
17 DOLLAR (\$35) ANNUAL FEE COLLECTED FROM THE CUSTODIAL PARENT  
18 SHALL BE RETAINED BY THE DEPARTMENT OF HUMAN SERVICES.

19 SECTION 2802-E. SURCHARGE AND FEE.

20 (A) IMPOSITION.--

21 (1) THE FOLLOWING APPLY:

22 (I) IN ADDITION TO THE FEES IMPOSED UNDER 42 PA.C.S.  
23 § 3733(A.1) (RELATING TO DEPOSITS INTO ACCOUNT), A  
24 SURCHARGE OF \$10 SHALL BE CHARGED AND COLLECTED BY A  
25 DIVISION OF THE UNIFIED JUDICIAL SYSTEM.

26 (II) THE ADDITIONAL SURCHARGE UNDER THIS PARAGRAPH  
27 SHALL BE DEPOSITED INTO THE JUDICIAL DEPARTMENT  
28 OPERATIONS AUGMENTATION ACCOUNT ESTABLISHED UNDER SECTION  
29 1795.1-E(D) OF THE ACT OF APRIL 9, 1929 (P.L.343,  
30 NO.176), KNOWN AS THE FISCAL CODE.

1           (III) THIS PARAGRAPH SHALL EXPIRE JULY 31, 2025.

2           (2) THE FOLLOWING APPLY:

3           (I) IN ADDITION TO THE FEES IMPOSED UNDER 42 PA.C.S.  
4           § 3733(A.1), A SURCHARGE OF \$11.25 SHALL BE CHARGED AND  
5           COLLECTED BY A DIVISION OF THE UNIFIED JUDICIAL SYSTEM.

6           (II) THE SURCHARGE UNDER THIS PARAGRAPH SHALL BE  
7           DEPOSITED IN THE JUDICIAL DEPARTMENT OPERATIONS  
8           AUGMENTATION ACCOUNT ESTABLISHED UNDER SECTION 1795.1-  
9           E(D) OF THE FISCAL CODE.

10           (III) THIS PARAGRAPH SHALL EXPIRE JULY 31, 2025.

11           (B) SUSPENSION OF DEPOSIT.--FOR FISCAL YEAR 2023-2024, THE  
12           DEPOSIT REQUIRED UNDER SECTION 1795.2-E OF THE FISCAL CODE SHALL  
13           BE SUSPENDED.

14           SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

15           (1) THE ADDITION OF ARTICLE XV-C OF THE ACT SHALL TAKE  
16           EFFECT IN 60 DAYS.

17           (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
18           IMMEDIATELY.