

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 450

Session of
1977

INTRODUCED BY MESSRS. GEORGE, A. K. HUTCHINSON, DeMEDIO,
RENWICK, LAUDADIO, D. R. WRIGHT, BITTINGER, LIVENGOD,
YAHNER, PETRARCA, STEWART, McLANE, WARGO, ZITTERMAN, WANSACZ,
McCALL, MANDERINO, ENGLEHART, IRVIS, LETTERMAN, GREENFIELD,
DIETZ, HALVERSON, WASS, PIEVSKY, OLIVER, JOHNSON, DOMBROWSKI,
DOYLE, FEE, MRS. GILLETTE, MESSRS. GOODMAN, ITKIN, KOLTER, M.
P. MULLEN, MUSTO, PRENDERGAST, RAPPAPORT, SHUPNIK, SELTZER,
BITTLE, GALLEN, HAMILTON, HASKELL, MEBUS, O'CONNELL, PARKER,
L. E. SMITH, WILSON, J. L. WRIGHT, STUBAN, D. M. O'BRIEN,
SCHMITT, COLE, SHUMAN, GALLAGHER, MADIGAN, GRIECO, BROWN,
PICCOLA, CIMINI, MANMILLER, BUTERA, MRS. HARPER, MESSRS. D.
S. HAYES, BURD, SALVATORE, CIANCIULLI, FLAHERTY, GARZIA,
HELFRICK, GIAMMARCO, LINCOLN, WILLIAMS, BERLIN, POTT,
MRKONIC, HOPKINS, DUFFY, CESSAR, REED, PRATT, MILLIRON,
CASSIDY, LYNCH, MRS. KELLY, MESSRS. COHEN, CALTAGIRONE, D. M.
FISHER, M. M. MULLEN, RHODES, MISCEVICH, ABRAHAM, TRELLO, B.
F. O'BRIEN, LOGUE AND RAVENSTAHL, MARCH 2, 1977

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JULY 28, 1977

AN ACT

1 Reenacting and amending the act of July 6, 1961 (P.L.515,
2 No.265), entitled, as amended, "An act authorizing the
3 Governor to provide for disaster and emergency relief under
4 certain circumstances; authorizing him to transfer certain
5 funds in the General Fund for these purposes, and making an
6 appropriation," ~~adding reasons for and~~ changing the amount <—
7 that may be transferred for disaster and emergency purposes
8 and providing for disposition of Federal funds for disaster
9 assistance or relief.

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

12 Section 1. The act of July 6, 1961 (P.L.515, No.265),
13 entitled, as amended, "An act authorizing the Governor to

1 provide for disaster and emergency relief under certain
2 circumstances; authorizing him to transfer certain funds in the
3 General Fund for these purposes, and making an appropriation,"
4 amended August 8, 1969 (P.L.228, No.92), is reenacted and
5 amended to read:

6 Section 1. Whenever the Governor finds as a fact that a
7 natural disaster or civil disorder threatens or has occurred and
8 that conditions of extreme emergency exist in all or a part or
9 parts of Pennsylvania, he shall have power to transfer any
10 unused funds which may have been appropriated for the ordinary
11 expenses of the government in the General Fund to such State
12 agencies as he may direct to be expended for relief of disaster
13 or civil disorder in such manner as the Governor shall approve,
14 and such funds are hereby appropriated to the Governor for such
15 purposes. The total of such transfers shall never exceed [one
16 million dollars (\$1,000,000)] five million dollars (\$5,000,000)
17 in any one year except by action of the General Assembly.

18 Section 2. As used in this act, conditions of extreme
19 emergency shall mean those conditions which may by investigation
20 made, be found, actually or likely, to (i) affect seriously the
21 safety, health or welfare of a substantial number of citizens of
22 the Commonwealth or preclude the operation or use of essential
23 public facilities; (ii) be of such magnitude or severity as to
24 render essential State supplementation of county and local
25 efforts or resources exerted or utilized in alleviating the
26 danger, damage, suffering or hardship faced; and (iii) have been
27 caused by forces beyond the control of man, by reason of civil
28 disorder, riot or disturbance, or by factors not foreseen and
29 not known to exist when appropriation bills were enacted.

30 Section 3. No funds shall be transferred or expended under

1 authority contained in this act unless the Governor, based on
2 investigation made, shall officially have proclaimed that
3 conditions of extreme emergency exist throughout the State or in
4 one or more political subdivisions thereof. Such conditions
5 shall be deemed to continue to exist until such time as the
6 Governor shall officially have proclaimed that they have ceased
7 to exist.

8 ~~Section 4. In the event the Governor of the Commonwealth~~ <—
9 ~~declares a State of emergency because of natural disasters such~~
10 ~~as heavy snows, prolonged periods of sub freezing weather or~~
11 ~~floods, officials of any municipality shall have the authority~~
12 ~~to clear such roadways as are necessary for the health, safety~~
13 ~~and welfare of residents, even though such roadways are not~~
14 ~~officially the responsibility of the borough or township. The~~
15 ~~Governor shall allocate a sufficient amount from the fund to the~~
16 ~~Department of Transportation to administer the reimbursement of~~
17 ~~the actual costs of such clearing.~~

18 ~~Section 5. In the event the water system of a municipality~~
19 ~~or authority is damaged, destroyed, interrupted, or made~~
20 ~~inoperable as a direct cause of a natural disaster such as~~
21 ~~freezing or floods, said municipalities or authorities shall~~
22 ~~have the authority to lease or hire such personnel and equipment~~
23 ~~that are needed to effect restoration of the water system. The~~
24 ~~Governor shall allocate a sufficient amount from the fund to the~~
25 ~~Department of Community Affairs to administer the reimbursement~~
26 ~~for such services.~~

27 ~~SECTION 4. (A) WHENEVER THE GOVERNOR SHALL HAVE PROCLAIMED~~ <—
28 ~~THAT CONDITIONS OF EXTREME EMERGENCY EXIST THROUGHOUT THE STATE~~
29 ~~OR IN ONE OR MORE POLITICAL SUBDIVISIONS THEREOF DUE TO A~~
30 ~~NATURAL DISASTER INCLUDING BUT NOT LIMITED TO FLOODS, HEAVY~~

1 SNOWS, OR PROLONGED PERIODS OF SUBFREEZING WEATHER, OFFICIALS OF
2 ANY POLITICAL SUBDIVISION AFFECTED BY SUCH CONDITIONS OF EXTREME
3 EMERGENCY SHALL HAVE THE AUTHORITY TO CLEAR SUCH ROADWAYS AS ARE
4 NECESSARY FOR THE HEALTH, SAFETY AND WELFARE OF RESIDENTS, EVEN
5 THOUGH SUCH ROADWAYS ARE NOT OFFICIALLY THE RESPONSIBILITY OF
6 SUCH POLITICAL SUBDIVISION. THE POLITICAL SUBDIVISION MAY BE
7 REIMBURSED FOR THE COST OF SUCH CLEARING AS PROVIDED IN
8 SUBSECTION (C).

9 (B) WHENEVER THE GOVERNOR SHALL HAVE PROCLAIMED THAT
10 CONDITIONS OF EXTREME EMERGENCY EXIST THROUGHOUT THE STATE OR IN
11 ONE OR MORE POLITICAL SUBDIVISIONS THEREOF DUE TO A NATURAL
12 DISASTER INCLUDING BUT NOT LIMITED TO FLOODS, HEAVY SNOWS, OR
13 PROLONGED PERIODS OF SUBFREEZING WEATHER AND IN THE EVENT THAT A
14 WATER SYSTEM OWNED OR OPERATED BY A POLITICAL SUBDIVISION OR
15 MUNICIPAL AUTHORITY IS DAMAGED, DESTROYED, OR MADE INOPERABLE AS
16 A DIRECT RESULT OF SUCH CONDITIONS OF EXTREME EMERGENCY, THE
17 POLITICAL SUBDIVISION OR MUNICIPAL AUTHORITY SHALL HAVE THE
18 AUTHORITY TO LEASE OR HIRE SUCH PERSONNEL AND EQUIPMENT AS MAY
19 BE NEEDED TO EFFECT RESTORATION OF SUCH WATER SYSTEM. THE
20 POLITICAL SUBDIVISION OR MUNICIPAL AUTHORITY MAY BE REIMBURSED
21 FOR THE COST OF SUCH RESTORATION AS PROVIDED IN SUBSECTION (C).

22 (C) WHENEVER THE GOVERNOR SHALL HAVE PROCLAIMED THAT
23 CONDITIONS OF EXTREME EMERGENCY EXIST THROUGHOUT THE STATE OR IN
24 ONE OR MORE POLITICAL SUBDIVISIONS THEREOF, HE SHALL HAVE POWER
25 TO TRANSFER ANY UNUSED FUNDS WHICH MAY HAVE BEEN APPROPRIATED
26 FOR THE ORDINARY EXPENSES OF GOVERNMENT IN THE GENERAL FUND TO
27 SUCH STATE AGENCIES AS HE MAY DIRECT TO BE EXPENDED FOR
28 REIMBURSEMENTS AS PROVIDED IN SUBSECTIONS (A) AND (B). SUCH
29 REIMBURSEMENTS SHALL BE MADE IN ACCORDANCE WITH AND TO THE
30 EXTENT PERMITTED BY REGULATIONS ISSUED BY SUCH AGENCY OR

1 AGENCIES AS THE GOVERNOR MAY DESIGNATE TO ADMINISTER THE
2 REIMBURSEMENT PROGRAMS ESTABLISHED BY SUBSECTIONS (A) AND (B).
3 THE TOTAL OF SUCH TRANSFERS SHALL NEVER EXCEED ONE MILLION
4 DOLLARS (\$1,000,000) IN ANY ONE YEAR EXCEPT BY ACTION OF THE
5 GENERAL ASSEMBLY.

6 (D) REIMBURSEMENTS PURSUANT TO SUBSECTION (C) SHALL NOT BE
7 MADE TO THE EXTENT THAT THE COMMONWEALTH, A POLITICAL
8 SUBDIVISION OR A MUNICIPAL AUTHORITY MAY BE ELIGIBLE FOR
9 ASSISTANCE FROM THE FEDERAL GOVERNMENT.

10 SECTION 5. THE PROVISIONS OF THIS ACT SHALL BE IN ADDITION
11 TO AND NOT A LIMITATION ON AUTHORITY OTHERWISE VESTED IN THE
12 GOVERNOR, THE EXECUTIVE DEPARTMENT, POLITICAL SUBDIVISIONS OR
13 MUNICIPAL AUTHORITIES.

14 Section ~~6-4~~ 6. In addition to the other provisions of this <—
15 act, the Governor is hereby authorized to use any civil defense
16 unit or units and the Pennsylvania National Guard to accomplish <—
17 the purposes of this act. PROVIDE ASSISTANCE DURING A NATURAL <—
18 DISASTER, CONDITION OF EXTREME EMERGENCY OR CIVIL DISORDER.

19 Section ~~7-5~~ 7. All moneys received from the Federal <—
20 Government for the purpose of disaster assistance or relief
21 shall be paid into the General Fund and are hereby appropriated
22 out of the General Fund to the departments, boards, commissions
23 or agencies designated by the Governor.

24 Section 2. This act shall take effect immediately.