

No. 1977-57

AN ACT

HB 450

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

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

Section 1. The act of July 6, 1961 (P.L.515, No.265), entitled, as amended, "An act authorizing the Governor to provide for disaster and emergency relief under certain circumstances; authorizing him to transfer certain funds in the General Fund for these purposes, and making an appropriation," amended August 8, 1969 (P.L.228, No.92), is reenacted and amended to read:

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

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

Section 3. No funds shall be transferred or expended under authority contained in this act unless the Governor, based on investigation made, shall officially have proclaimed that conditions of extreme emergency exist throughout the State or in one or more political subdivisions thereof. Such

conditions shall be deemed to continue to exist until such time as the Governor shall officially have proclaimed that they have ceased to exist.

Section 4. (a) *Whenever the Governor shall have proclaimed that conditions of extreme emergency exist throughout the State or in one or more political subdivisions thereof due to a natural disaster including but not limited to floods, heavy snows, or prolonged periods of subfreezing weather, officials of any political subdivision affected by such conditions of extreme emergency shall have the authority to clear such roadways as are necessary for the health, safety and welfare of residents, even though such roadways are not officially the responsibility of such political subdivision. The political subdivision may be reimbursed for the cost of such clearing as provided in subsection (c).*

(b) *Whenever the Governor shall have proclaimed that conditions of extreme emergency exist throughout the State or in one or more political subdivisions thereof due to a natural disaster including but not limited to floods, heavy snows, or prolonged periods of subfreezing weather and in the event that a water system owned or operated by a political subdivision or municipal authority is damaged, destroyed, or made inoperable as a direct result of such conditions of extreme emergency, the political subdivision or municipal authority shall have the authority to lease or hire such personnel and equipment as may be needed to effect restoration of such water system. The political subdivision or municipal authority may be reimbursed for the cost of such restoration as provided in subsection (c).*

(c) *Whenever the Governor shall have proclaimed that conditions of extreme emergency exist throughout the State or in one or more political subdivisions thereof, he shall have power to transfer any unused funds which may have been appropriated for the ordinary expenses of government in the General Fund to such State agencies as he may direct to be expended for reimbursements as provided in subsections (a) and (b). Such reimbursements shall be made in accordance with and to the extent permitted by regulations issued by such agency or agencies as the Governor may designate to administer the reimbursement programs established by subsections (a) and (b). The total of such transfers shall never exceed one million dollars (\$1,000,000) in any one year except by action of the General Assembly.*

(d) *Reimbursements pursuant to subsection (c) shall not be made to the extent that the Commonwealth, a political subdivision or a municipal authority may be eligible for assistance from the Federal Government.*

Section 5. *The provisions of this act shall be in addition to and not a limitation on authority otherwise vested in the Governor, the executive department, political subdivisions or municipal authorities.*

Section 6. *In addition to the other provisions of this act, the Governor is hereby authorized to use any civil defense unit or units and the Pennsylvania National Guard to provide assistance during a natural disaster, condition of extreme emergency or civil disorder.*

Section 7. *All moneys received from the Federal Government for the purpose of disaster assistance or relief shall be paid into the General Fund*

and are hereby appropriated out of the General Fund to the departments, boards, commissions or agencies designated by the Governor.

Section 2. This act shall take effect immediately and shall be retroactive to July 1, 1977.

APPROVED—The 18th day of August, A. D. 1977.

MILTON J. SHAPP