

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 304

Session of
1977

INTRODUCED BY MESSRS. PETRARCA, STEWART, A. K. HUTCHINSON,
LAUDADIO AND LIVENGOOD, FEBRUARY 9, 1977

AS AMENDED, HOUSE OF REPRESENTATIVES, MARCH 29, 1977

A JOINT RESOLUTION

1 Proposing an emergency Constitutional amendment to the
2 Constitution of the Commonwealth of Pennsylvania granting the
3 General Assembly the power to enact special laws to aid
4 certain individuals, corporations, associations, institutions
5 or nonpublic schools adversely affected by conditions caused
6 ~~by certain storms, floods, tornados or other future major~~ <—
7 ~~disasters.~~ BY CERTAIN STORMS OR FLOODS. <—

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby resolves as follows:

10 ~~Section 1. Many Pennsylvanians have suffered greatly from~~ <—
11 ~~the ravages of great storms or floods in the last few years. The~~
12 ~~great storms, floods or tornados of 1974, 1975 and 1976 are~~
13 ~~additional major disasters causing loss of life and great damage~~
14 ~~and destruction to property of individuals, industrial and~~
15 ~~commercial establishments and public facilities. And no doubt~~
16 ~~there will be many more major disasters occurring in future~~
17 ~~years.~~

18 ~~It is imperative that the victims of these past, present and~~
19 ~~future disasters immediately receive the fullest possible aid~~
20 ~~from both the public and private sectors in order to clean up~~

1 ~~and rebuild the affected areas of the Commonwealth and that~~
2 ~~persons in the Commonwealth be eligible for the maximum~~
3 ~~available aid from the government of the United States.~~

4 ~~The General Assembly desires to alleviate such storm or~~
5 ~~economic deprivation caused by the floods, storms or other~~
6 ~~future disasters limited in its efforts by rigid restrictions in~~
7 ~~the Constitution of the Commonwealth of Pennsylvania. The safety~~
8 ~~and welfare of the Commonwealth requires prompt amendment to the~~
9 ~~Constitution of the Commonwealth of Pennsylvania.~~

10 ~~The following amendment to the Constitution of the~~
11 ~~Commonwealth of Pennsylvania is proposed in accordance with the~~
12 ~~emergency provisions contained in subsections (a) and (b) of~~
13 ~~section 1 of Article XI thereof:~~

14 ~~That section 17 of Article VIII be amended to read:~~

15 ~~§ 17. Special emergency legislation.~~

16 ~~(a) Notwithstanding any provisions of this Constitution to~~
17 ~~the contrary, the General Assembly shall have the authority to~~
18 ~~enact laws providing for tax rebates, credits, exemptions,~~
19 ~~grants in aid, State supplementations, or otherwise provide~~
20 ~~special provisions for individuals, corporations, associations~~
21 ~~or nonprofit institutions, including nonpublic schools (whether~~
22 ~~sectarian or nonsectarian) in order to alleviate the danger,~~
23 ~~damage, suffering or hardship faced by such individuals,~~
24 ~~corporations, associations, institutions or nonpublic schools as~~
25 ~~a result of Great Storms, [or] Floods or Tornadoes of September~~
26 ~~1971, of June, 1972, [or] of 1974, [or] of 1975, or of July 1976~~
27 ~~or as a result of major disasters occurring on or after the date~~
28 ~~this amendment is approved by the electorate.~~

29 ~~(b) Whenever the Governor of this Commonwealth finds as a~~
30 ~~fact and shall officially have proclaimed that a major disaster~~

1 ~~has occurred on or after the effective date this amendment is~~
2 ~~approved by the electorate, and that as a result thereof~~
3 ~~conditions of extreme emergency exist in all or any part of~~
4 ~~Pennsylvania of such magnitude or severity as to affect the~~
5 ~~health, safety or welfare of a substantial number of citizens of~~
6 ~~this Commonwealth or affects public facilities or institutions~~
7 ~~or the economy of the business community within this~~
8 ~~Commonwealth, then the General Assembly, in its wisdom and~~
9 ~~discretion, may exercise the legislative authority provided in~~
10 ~~subsection (a).~~

11 SCHEDULE

12 ~~The foregoing amendment to Article VIII shall take effect on~~
13 ~~the date of approval thereof by the electorate, and shall be a~~
14 ~~permanent part of this Constitution, except that the amendatory~~
15 ~~provisions of subsection (a) relating to tornados of July 1976~~
16 ~~shall be retroactive to July of 1976, provided, however, that~~
17 ~~subsections (a) or (b) relating to future major disasters, shall~~
18 ~~be applicable only during that period of time for which the~~
19 ~~Governor shall officially have proclaimed that a major disaster~~
20 ~~has occurred and that conditions of extreme emergency still~~
21 ~~exist. Such conditions shall be deemed to exist only until such~~
22 ~~time as the Governor shall officially have proclaimed that they~~
23 ~~have ceased to exist at which time any laws enacted pertaining~~
24 ~~to such future emergency conditions shall be deemed suspended to~~
25 ~~the extent that such are inconsistent or in conflict with any~~
26 ~~provision of this Constitution.~~

27 ~~Section 2. This proposed amendment shall be submitted by the~~
28 ~~Secretary of the Commonwealth to the qualified electors of the~~
29 ~~State at the municipal election to be held on November 2, 1977,~~
30 ~~after the advertising requirements of subsection (a) of section~~

1 ~~1 of Article XI of the Constitution of the Commonwealth of~~
2 ~~Pennsylvania have been satisfied.~~

3 SECTION 1. MANY PENNSYLVANIANS HAVE SUFFERED GREATLY FROM <—
4 THE RAVAGES OF GREAT STORMS AND FLOODS IN RECENT YEARS. THE
5 GREAT STORMS OR FLOODS OF 1974, 1975 AND 1976 WERE ADDITIONAL
6 MAJOR DISASTERS CAUSING LOSS OF LIFE AND GREAT DAMAGE AND
7 DESTRUCTION TO PROPERTY OF INDIVIDUALS, INDUSTRIAL AND
8 COMMERCIAL ESTABLISHMENTS AND PUBLIC FACILITIES.

9 FURTHER, DUE TO AN EXTREME WINTER WITH ESPECIALLY HEAVY
10 SNOWFALL THROUGHOUT MUCH OF THE COMMONWEALTH THE PROBABILITY OF
11 FLOODING THIS SPRING THREATENS.

12 IT IS IMPERATIVE THAT THE VICTIMS OF THESE DISASTERS RECEIVE
13 THE FULLEST POSSIBLE AID FROM BOTH THE FEDERAL GOVERNMENT AND
14 THE COMMONWEALTH IN ORDER TO ACCOMPLISH A SPEEDY RECOVERY.

15 THE GENERAL ASSEMBLY DESIRES TO ALLEVIATE SUCH STORM OR
16 ECONOMIC DEPRIVATION CAUSED BY THE FLOODS IN PAST YEARS AND
17 SEEKS TO ADDRESS THOSE EMERGENCIES OF FUTURE YEARS. HOWEVER, THE
18 GENERAL ASSEMBLY IS LIMITED BY RIGID RESTRICTIONS IN THE
19 CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA. THE SAFETY AND
20 WELFARE OF THE COMMONWEALTH REQUIRES THE PROMPT AMENDMENT TO THE
21 CONSTITUTION TO AID THOSE ALREADY INFLICTED BY THE GREAT STORM
22 OF 1976 AND ANY FUTURE EMERGENCY THAT MAY STRIKE COMMONWEALTH
23 CITIZENS.

24 THEREFORE, THE FOLLOWING AMENDMENT TO THE CONSTITUTION OF THE
25 COMMONWEALTH OF PENNSYLVANIA IS PROPOSED IN ACCORDANCE WITH THE
26 EMERGENCY PROVISIONS OF ARTICLE XI THEREOF:

27 THAT SECTION 17 OF ARTICLE VIII BE AMENDED TO READ:

28 ARTICLE VIII

29 TAXATION AND FINANCE

30 § 17. SPECIAL EMERGENCY LEGISLATION.

1 ~~(A)~~ NOTWITHSTANDING ANY PROVISIONS OF THIS CONSTITUTION TO <—
2 THE CONTRARY, THE GENERAL ASSEMBLY SHALL HAVE THE AUTHORITY TO
3 ENACT LAWS PROVIDING FOR TAX REBATES, CREDITS, EXEMPTIONS,
4 GRANTS-IN-AID, STATE SUPPLEMENTATIONS, OR OTHERWISE PROVIDE
5 SPECIAL PROVISIONS FOR INDIVIDUALS, CORPORATIONS, ASSOCIATIONS
6 OR NONPROFIT INSTITUTIONS, INCLUDING NONPUBLIC SCHOOLS (WHETHER
7 SECTARIAN OR NONSECTARIAN) IN ORDER TO ALLEVIATE THE DANGER,
8 DAMAGE, SUFFERING OR HARDSHIP FACED BY SUCH INDIVIDUALS,
9 CORPORATIONS, ASSOCIATIONS, INSTITUTIONS OR NONPUBLIC SCHOOLS AS
10 A RESULT OF GREAT STORMS OR FLOODS OF SEPTEMBER 1971, OF JUNE
11 1972, OR OF 1974, OR OF 1975, OR OF 1976, OR OF 1977, OR THE <—
12 EMERGENCIES OCCURRING AS A RESULT OF THE ENERGY CRISIS OF 1976-
13 1977.

14 ~~(b) Notwithstanding any provision of this Constitution to~~ <—
15 ~~the contrary, subsequent to a Presidential declaration of an~~
16 ~~emergency or of a major disaster, the General Assembly shall~~
17 ~~have the authority to make appropriations limited to moneys~~
18 ~~required for Federal emergency or major disaster relief.~~

19 Section 2. This proposed amendment shall be submitted by the
20 Secretary of the Commonwealth to the qualified electors of the
21 State, at the primary election or election next held after the
22 advertising requirements of Article XI, section 1(A) of the <—
23 Constitution of the Commonwealth of Pennsylvania has been
24 satisfied.