

THE GOVERNOR

GOVERNOR'S OFFICE

Proclamation of Disaster Emergency

April 15, 2021

Whereas, in the calendar year 2020, civil disturbances emerging from peaceful protests over a variety of political and social issues has caused damage and destruction to many U.S. cities, including those in Pennsylvania; and

Whereas, on May 25, 2020, George Perry Floyd died while in police custody in Minneapolis, Minnesota; and

Whereas, in the aftermath of this tragedy, citizens throughout the nation, including the Commonwealth of Pennsylvania, gathered to honor the life of George Floyd calling for justice due to his death; and

Whereas, George Floyd was in the custody of Derek Chauvin, the then-Minneapolis police officer, when he died; and

Whereas, Derek Chauvin was charged with second-degree murder, third-degree murder and manslaughter associated with George Floyd's death; and

Whereas, the Derek Chauvin trial began on March 29, 2021, and is expected to last approximately two to four weeks; and

Whereas, the Derek Chauvin trial has been high-profile with nationally televised live coverage of the trial; and

Whereas, closing arguments in the Derek Chauvin trial are expected next week; and

Whereas, apprehension of potential civil disturbances is building in cities throughout the country in anticipation of the Derek Chauvin verdict; and

Whereas, during the Derek Chauvin trial, Daunte Wright was fatally shot by a police officer on April 11, 2021, in Brooklyn Center, Minnesota; and

Whereas, the death of Daunte Wright has been widely reported and has led to civil protests in cities across the country; and

Whereas, state, local, and community leaders throughout the country have called for peaceful protests to ensure the lawful exercise of citizens' constitutional rights; and

Whereas, historically, while many of the protests have remained peaceful, some assemblies have not and have become dangerous, causing damage to people and property; and

Whereas, it is necessary to plan and pre-position assets to cope with any incidences of potential civil disturbance that may occur following the death of Daunte Wright and during and following the Derek Chauvin trial; and

Whereas, any civil disturbance poses an imminent threat of danger to the safety and welfare of the people in the affected areas; and

Whereas, this emergency event is of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and the activation of all applicable state, county, and municipal emergency response plans.

Now Therefore, pursuant to section 7301(c) of the Emergency Management Services Code, 35 Pa.C.S. § 7101 et seq., I do hereby proclaim the existence of a disaster emergency in the Commonwealth of Pennsylvania. I hereby authorize and direct that the Pennsylvania Emergency Management Agency Director or designee assume command and control of statewide emergency operations, and that all Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management

Agency Director or designee, utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency event.

Further, I hereby transfer up to \$5,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency for Emergency Management Assistance Compact expenses related to this emergency, to be increased or decreased as conditions require pursuant to the provisions of section 7604(a) of the Emergency Management Services Code, 35 Pa.C.S. § 7604(a). In addition, I hereby transfer up to \$15,000,000 in unused appropriated funds, to be increased or decreased as conditions require, to the Pennsylvania Emergency Management Agency pursuant to section 1508 of the Act of April 9, 1929 (the Fiscal Code), P.L. 343, No. 176, 72 P.S. § 1508. The funds shall be used for expenses authorized and incurred related to this emergency. These funds shall be credited to a special account established by the Office of the Budget. I hereby direct that any funds transferred herein that remain unused after all costs related to this emergency have been satisfied shall be returned to the General Fund.

Further, all Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize emergency procurement procedures set forth in section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under section 516.

Further, I hereby direct the Pennsylvania Emergency Management Agency to staff the Commonwealth Response Coordination Center for the duration of this emergency event and to augment it with personnel from other state agencies and departments. I also authorize the Agency to direct and coordinate the emergency response, recovery, and mitigation activities of other state agencies and departments as deemed necessary to deal with the exigencies of this disaster emergency through implementation of the State Emergency Operations Plan; and

Further, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, 51 Pa.C.S. § 508, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of this disaster emergency proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by this emergency event; and

Further, I authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel in whatever manner he deems necessary during this emergency to assist the actions of the Pennsylvania Emergency Management Agency in addressing the consequences of the emergency, including conferring the power of arrest on out of state law enforcement personnel serving as part of the emergency forces responding to the emergency pursuant to section 7301(f)(9) of the Emergency Management Services Code. Law enforcement personnel shall remain under the operational control of the Commissioner of the Pennsylvania State Police.

Further, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department of Transportation, in whatever manner that she deems necessary, to ensure that all federal-aid and state highways in the areas that may be affected by the emergency event are cleared of any debris or obstructions resulting from this event and to ensure that highways, bridges, roadbeds, and related facilities and structures that may sustain damage in the disaster affected areas are immediately repaired, maintained, reconstructed, or replaced, or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs and clearing and removal of debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. This assistance, however, does not apply to privately

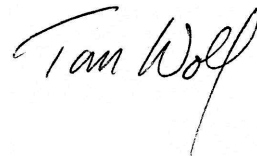
owned highways, roads, streets, or other types of property; and I hereby authorize the Secretary of Transportation, in her sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which she is authorized by law to administer or enforce as may be necessary to respond to this emergency event; and

Further, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency event. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds; and

Further, I hereby direct that the applicable emergency response and recovery plans of the Commonwealth, counties, municipalities and other entities be activated as necessary and that actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency.

Still Further, I hereby urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this Proclamation, namely, by the employment of temporary workers, by the rental of equipment, and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirement excepted.

Given under my hand and the Seal of the Governor, at the city of Harrisburg, on this fifteenth day of April two thousand twenty-one, the year of the commonwealth the two hundred and forty-fifth.



Governor

[Pa.B. Doc. No. 21-664. Filed for public inspection April 30, 2021, 9:00 a.m.]