

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1271 Session of  
2011

INTRODUCED BY YUDICHAK, BAKER, BLAKE, GORDNER, YAW, PILEGGI,  
COSTA, ARGALL, BOSCOLA, ERICKSON, FARNESE, FONTANA,  
GREENLEAF, PIPPY, MENSCH, RAFFERTY, SCHWANK, SMUCKER,  
TARTAGLIONE, WAUGH, WASHINGTON, WILLIAMS, WOZNIAK, STACK,  
SOLOBAY, BROWNE, VANCE, BREWSTER, DINNIMAN, FERLO, HUGHES,  
KASUNIC, KITCHEN, LEACH, EARLL AND BRUBAKER, OCTOBER 12, 2011

AS AMENDED ON SECOND CONSIDERATION, NOVEMBER 15, 2011

## AN ACT

1 Itemizing public improvement projects for flood protection and  
2 flood damage repair to be constructed by the Department of  
3 General Services, together with their estimated financial  
4 costs; stating the estimated useful life of the projects;  
5 ~~making an appropriation; and~~ providing for the adoption of ←  
6 specific disaster mitigation or assistance projects to be  
7 financed from debt incurred under clause (1) or (4) of  
8 subsection (a) of section 7 of Article VIII of the  
9 Constitution of Pennsylvania; AND MAKING AN APPROPRIATION. ←

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

## CHAPTER 1

## GENERAL PROVISIONS

14 Section 101. Short title.

15 This act shall be known and may be cited as the Flood Control  
16 and Disaster Mitigation Itemization Act of 2011.

17 SECTION 102. DEFINITIONS. ←

18 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
19 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

CONTEXT CLEARLY INDICATES OTHERWISE:

"CAPITAL PROJECT." A CAPITAL PROJECT AS DEFINED IN SECTION 302 OF THE ACT OF FEBRUARY 9, 1999 (P.L.1, NO.1), KNOWN AS THE CAPITAL FACILITIES DEBT ENABLING ACT.

"DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE COMMONWEALTH.

"DISASTER." THE PERIOD OF TIME IN CALENDAR YEAR 2011 RELATING TO HURRICANE IRENE AND TROPICAL STORM LEE THAT WAS THE SUBJECT OF A PRESIDENTIAL DECLARATION OF AN EMERGENCY UNDER THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT (PUBLIC LAW 93-288, 88 STAT. 143).

"SECRETARY." THE SECRETARY OF ENVIRONMENTAL PROTECTION OF THE COMMONWEALTH.

### CHAPTER 3

#### DISASTER CAPITAL BUDGET PROJECT ITEMIZATIONS

Section 301. Short title of chapter.

This chapter shall be known and may be cited as the Disaster Capital Budget Project Itemization Act of 2011.

~~Section 301.1. Definitions.~~

~~The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:~~

~~"Capital project." A capital project as defined in section 302 of the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act.~~

~~"Department." The Department of Transportation of the Commonwealth.~~

~~"Secretary." The Secretary of Transportation of the Commonwealth.~~

Section 302. Total authorization.



1 The total authorization for the capital projects in the  
2 category of public improvement projects itemized in section 303  
3 and to be constructed by the Department of General Services, its  
4 successors or assigns, and to be financed from debt incurred  
5 under clause (1) or (4) of subsection (a) of section 7 of  
6 Article VIII of the Constitution of Pennsylvania shall be  
7 ~~\$90,000,000~~ \$49,069,000.

8 Section 303. Itemization of public improvement projects.

9 Additional capital projects in the category of public  
10 improvement projects to be constructed by the Department of  
11 General Services, its successors or assigns, and to be financed  
12 from debt incurred under clause (1) or (4) of subsection (a) of  
13 section 7 of Article VIII of the Constitution of Pennsylvania  
14 are hereby itemized, together with their respective estimated  
15 financial costs, as follows:

16 (a) Department of Environmental Protection

17 (1) Berks County

18 (i) City of Reading, Flood Control

19 Project

20 Project Allocation 550,000

21 (Base Project Allocation-\$550,000)

22 (2) Columbia County

23 (i) Town of Bloomsburg, Flood

24 Protection Project

25 Project Allocation 20,000,000

26 (Base Project Allocation-\$17,000,000)

27 (Design & Contingencies-\$3,000,000)

28 (3) Dauphin County

29 (i) City of Harrisburg, Flood Control

30 Project

1	Project Allocation	1,183,000
2	(Base Project Allocation-\$1,183,000)	
3	(ii) Lykens Borough, Flood Control	
4	Project	
5	Project Allocation	173,000
6	(Base Project Allocation-\$173,000)	
7	(4) Luzerne County	
8	(i) Shickshinny Borough, Flood Control	
9	Project	
10	Project Allocation	125,000
11	(Base Project Allocation-\$125,000)	
12	(ii) West Pittston Borough, Flood	
13	Control Project	
14	Project Allocation	153,000
15	(Base Project Allocation-\$153,000)	
16	(iii) City of Wilkes-Barre, Solomon	
17	Creek Flood Control Project	
18	Project Allocation	20,000,000
19	(Base Project Allocation-\$16,000,000)	
20	(Design & Contingencies-\$4,000,000)	
21	(iv) Exeter Borough, Hicks Creek Flood	
22	Control Project	
23	Project Allocation	1,000,000
24	(Base Project Allocation - \$1,000,000)	
25	(5) Montgomery County	
26	(i) Ambler Township, Flood Control	
27	Project	
28	Project Allocation	185,000
29	(Base Project Allocation-\$185,000)	
30	(6) Montour County	

1	(i) Danville Borough, Flood Control	
2	Project	
3	Project Allocation	3,600,000
4	(Base Project Allocation-\$3,600,000)	
5	(7) Northumberland County	
6	(i) Milton Borough, Limestone Run Flood	
7	Control Project	
8	Project Allocation	2,000,000
9	(Base Project Allocation-\$2,000,000)	
10	(ii) City of Sunbury, Flood Control	
11	Project	
12	Project Allocation	100,000
13	(Base Project Allocation-\$100,000)	

14 Section 304. Estimated useful life and term of debt.

15       The General Assembly states that the estimated useful life of  
16 the public improvement projects and flood control projects  
17 itemized in this chapter is 30 years.

18 Section 305. Federal funds.

19 All moneys received from the Federal Government for the  
20 projects specifically itemized in this chapter are ~~also~~ hereby  
21 appropriated for those projects.

22 Section 306. Construction.

(a) Funding.--Amounts contained in this chapter for any project shall not supplant or replace any Federal funds authorized by any Federal law or regulation. Funding from this chapter for any project is available only to the extent that Federal funds are not available for such project.

(b) Flood mitigation projects.--Projects that are itemized in this chapter are deemed to be flood mitigation projects for purposes of and funding under Chapter 5 to the extent that the

1 projects qualify under The Robert T. Stafford Disaster Relief  
2 and Emergency Assistance Act (Public Law 93-288, 88 Stat. 143).

## 3 CHAPTER 5

### 4 DISASTER MITIGATION AND ASSISTANCE PROJECTS

5 Section 501. Short title of chapter.

6 This chapter shall be known and may be cited as the Disaster  
7 Mitigation and Assistance Projects Itemization Act of 2011.

8 ~~Section 502. Definitions.~~ ←

9 ~~The following words and phrases when used in this chapter~~  
10 ~~shall have the meanings given to them in this section unless the~~  
11 ~~context clearly indicates otherwise:~~

12 ~~"Disaster." The period of time in calendar year 2011~~  
13 ~~relating to Hurricane Irene and Tropical Storm Lee that was the~~  
14 ~~subject of a Presidential declaration of an emergency under The~~  
15 ~~Robert T. Stafford Disaster Relief and Emergency Assistance Act~~  
16 ~~(Public Law 93-288, 88 Stat. 143).~~

17 ~~Section 503~~ 502. Total authorization. ←

18 The total authorization for disaster mitigation projects or  
19 public assistance projects as defined in The Robert T. Stafford  
20 Disaster Relief and Emergency Assistance Act (Public Law 93-288,  
21 88 Stat. 143) and to be financed in part with grants limited to  
22 the required match for the Federal share of the costs made to  
23 local political subdivisions or nonprofit organizations where  
24 applicable as itemized in section ~~504~~ 503 is ~~\$8,000,000~~ ←  
25 \$16,107,500. Projects for which no Federal funds are received ←  
26 shall not receive funding under this chapter.

27 ~~Section 504~~ 503. Itemization of disaster mitigation or ←  
28 assistance projects.

29 The individual disaster mitigation or assistance projects to  
30 be financed from current revenues or debt are hereby itemized,

1 together with their respective estimated financial costs, in the  
2 following sections.

3 ~~Section 505~~ 504. Columbia County. ←

4 (a) Town of Bloomsburg

5 (1) Sanitary Sewer Flood Damage

6 Project Allocation 3,500,000

7 (Base Project Allocation-\$3,500,000)

8 (2) Flood Damage to Fairgrounds

9 Project Allocation 1,500,000

10 (Base Project Allocation-\$1,500,000)

11 ~~Section 506. Dauphin County.~~ ←

12 SECTION 505. DAUPHIN COUNTY. ←

13 (a) Derry Township

14 (1) Repair or Replacement of

15 Damaged Sewer System

16 Project Allocation 6,000,000

17 (Base Project Allocation-\$6,000,000)

18 ~~Section 507. Luzerne County.~~ ←

19 SECTION 506. LUZERNE COUNTY. ←

20 (a) Duryea Borough

21 (1) Flood Damage to Sewer Plant

22 Project Allocation 147,500

23 (Base Project Allocation-\$147,500)

24 (2) Repair or Replacement of

25 Damaged Sewer System

26 Project Allocation 920,000

27 (Base Project Allocation-\$920,000)

28 (b) West Pittston Borough

29 (1) Sanitary Sewer and Storm

30 Water Sewer Flood Damage

1	Project Allocation	3,790,000
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2 (Base Project Allocation-\$3,790,000)

3 ~~Section 508. Northumberland County.~~

4 SECTION 507. NORTHUMBERLAND COUNTY.

5 (a) City of Shamokin

6 (1) Flood Damage to Sewer Line

7	Project Allocation	250,000
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8 (Base Project Allocation-\$250,000)

9 Section 572. Funds.

10       The projects itemized in this chapter shall be funded from  
11   debt incurred under the provisions of clause (1) or (4) of  
12   subsection (a) of section 7 of Article VIII of the Constitution  
13   of Pennsylvania.

14 Section 573. Federal funds.

15 All moneys received from the Federal Government for the  
16 projects specifically itemized in this chapter are ~~also~~ hereby  
17 appropriated for those projects.

18 Section 574. Construction.

19        Amounts contained in this chapter for any project shall not  
20        supplant or replace any Federal funds authorized by any Federal  
21        law or regulation. Funding from this chapter for any project is  
22        available only to the extent that Federal funds are not  
23        available for such project.

## 24 CHAPTER 7

25 MISCELLANEOUS PROVISIONS

26 Section 701. Effective date.

27 This act shall take effect immediately.