
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1916 Session of
2011

INTRODUCED BY MILLARD, ADOLPH, BAKER, BOBACK, CALTAGIRONE,
CARROLL, EVERETT, FARRY, FLECK, GINGRICH, HESS, HORNAMAN,
KNOWLES, MAJOR, MICOZZIE, MOUL, MULLERY, MUNDY, MYERS,
PICKETT, SCAVELLO, CULVER, TAYLOR, TOOHIL AND YOUNGBLOOD,
NOVEMBER 9, 2011

REFERRED TO COMMITTEE ON APPROPRIATIONS, NOVEMBER 9, 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) of subsection
8 (a) of section 7 of Article VIII of the Constitution of
9 Pennsylvania.

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

12 CHAPTER 1

13 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 CHAPTER 3

18 DISASTER CAPITAL BUDGET PROJECT ITEMIZATIONS

19 Section 301. Scope.

20 This chapter relates to disaster capital budget project

1 itemizations in 2011.

2 Section 302. Total authorization.

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

9 Section 303. Itemization of public improvement projects.

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

17 (Reserved).

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

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

22 Section 305. Federal funds.

23 All moneys received from the Federal Government for the
24 projects specifically itemized in this chapter are also hereby
25 appropriated for those projects.

26 Section 306. Construction.

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

1 Federal funds are not available for such project.

2 (b) Flood mitigation projects.--Projects that are itemized
3 in this chapter are deemed to be flood mitigation projects for
4 purposes of and funding under Chapter 5 to the extent that the
5 projects qualify under The Robert T. Stafford Disaster Relief
6 and Emergency Assistance Act (Public Law 93-288, 88 Stat. 143).

7 CHAPTER 5

8 DISASTER MITIGATION AND ASSISTANCE PROJECTS

9 Section 501. Scope.

10 This chapter relates to disaster mitigation and assistance
11 projects itemization in 2011.

12 Section 502. Definitions.

13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

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

21 Section 503. Total authorization.

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

1 Section 504. Itemization of disaster mitigation or assistance
2 projects.

3 The individual disaster mitigation or assistance projects to
4 be financed from current revenues or debt are hereby itemized,
5 together with their respective estimated financial costs, in
6 this chapter.

7 Section 572. Funds.

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

12 Section 573. State and local participation levels.

13 (a) Public assistance.--The required non-Federal
14 contribution of 25% necessary to secure Federal public
15 assistance funding shall be divided between the State and the
16 affected local political subdivision or nonprofit organization
17 where applicable. The State share will be 22%, and the political
18 subdivision or nonprofit organization share will be 3%.

19 (b) Local waiver.--The Commonwealth may reduce the share of
20 an affected political subdivision if the tax base of that
21 political subdivision was substantially reduced as a direct
22 result of Hurricane Irene or Tropical Storm Lee or if payment of
23 the local share exceeds 40% of the most recently adopted annual
24 budget of the political subdivision. The Commonwealth may
25 require the adoption of appropriate flood control or storm water
26 management plans as a condition of the waiver if the adoption of
27 the plan does not present additional financial hardship.

28 Section 574. Federal funds.

29 All moneys received from the Federal Government for the
30 projects specifically itemized in this chapter are also hereby

1 appropriated for those projects.

2 Section 575. Construction.

3 Amounts contained in this chapter for any project shall not
4 supplant or replace any Federal funds authorized by any Federal
5 law or regulation. Funding from this chapter for any project is
6 available only to the extent that Federal funds are not
7 available for such project.

8 CHAPTER 7

9 MISCELLANEOUS PROVISIONS

10 Section 701. Constitutional construction.

11 The provisions of this act shall be severable and, if any of
12 the provisions of this act shall be held unconstitutional, such
13 decisions shall not affect the validity of any of the remaining
14 provisions of this act. It is hereby declared as the legislative
15 intent that this act would have been adopted had such
16 unconstitutional provisions not been included in this act.

17 Section 702. Effective date.

18 This act shall take effect immediately.