
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 AND LEACH, OCTOBER 12, 2011

REFERRED TO APPROPRIATIONS, OCTOBER 12, 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. Short title of chapter.

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

3 Section 302. Total authorization.

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

10 Section 303. Itemization of public improvement projects.

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

18 (a) Department of Environmental Protection

19 (1) Columbia County

20 (i) Town of Bloomsburg, Flood
21 Protection Project

22 Project Allocation 20,000,000

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

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

25 (2) Luzerne County

26 (i) City of Wilkes-Barre, Solomon Creek
27 Flood Control Project

28 Project Allocation 20,000,000

29 (Base Project Allocation-\$16,000,000)

30 (Design & Contingencies-\$4,000,000)

1 (ii) Exeter Borough, Hicks Creek Flood
2 Control Project
3 Project Allocation 1,000,000
4 (Base Project Allocation - \$1,000,000)

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

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

9 Section 305. Federal funds.

10 All moneys received from the Federal Government for the
11 projects specifically itemized in this chapter are also hereby
12 appropriated for those projects.

13 Section 306. Construction.

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

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

24 CHAPTER 5

25 DISASTER MITIGATION AND ASSISTANCE PROJECTS

26 Section 501. Short title of chapter.

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

29 Section 502. Definitions.

30 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

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

8 Section 503. Total authorization.

9 The total authorization for disaster mitigation projects or
10 public assistance projects as defined in The Robert T. Stafford
11 Disaster Relief and Emergency Assistance Act (Public Law 93-288,
12 88 Stat. 143) and to be financed in part with grants limited to
13 the required match for the Federal share of the costs made to
14 local political subdivisions or nonprofit organizations where
15 applicable as itemized in this chapter is \$8,000,000. Projects
16 for which no Federal funds are received shall not receive
17 funding under this chapter.

18 Section 504. Itemization of disaster mitigation or assistance
19 projects.

20 The individual disaster mitigation or assistance projects to
21 be financed from current revenues or debt are hereby itemized,
22 together with their respective estimated financial costs, in the
23 following sections.

24 Section 505. Columbia County.

25 (a) Town of Bloomsburg

26 (1) Sanitary Sewer Flood Damage

27 Project Allocation 3,500,000

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

29 Section 506. Luzerne County.

30 (a) West Pittston Borough

1 (1) Sanitary Sewer and Storm
2 Water Sewer Flood Damage
3 Project Allocation 3,790,000
4 (Base Project Allocation-\$3,790,000)

5 Section 572. Funds.

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

10 Section 573. State and local participation levels.

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

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

26 Section 574. Federal funds.

27 All moneys received from the Federal Government for the
28 projects specifically itemized in this chapter are also hereby
29 appropriated for those projects.

30 Section 575. Construction.

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

6 CHAPTER 7

7 MISCELLANEOUS PROVISIONS

8 Section 701. Constitutional construction.

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

15 Section 702. Effective date.

16 This act shall take effect immediately.