

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

SENATOR CORMAN, APPROPRIATIONS, AS AMENDED, NOVEMBER 14, 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.



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.

CHAPTER 3

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 301.1. DEFINITIONS. ←

4 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
5 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
6 CONTEXT CLEARLY INDICATES OTHERWISE:

7 "CAPITAL PROJECT." A CAPITAL PROJECT AS DEFINED IN SECTION  
8 302 OF THE ACT OF FEBRUARY 9, 1999 (P.L.1, NO.1), KNOWN AS THE  
9 CAPITAL FACILITIES DEBT ENABLING ACT.

10 "DEPARTMENT." THE DEPARTMENT OF TRANSPORTATION OF THE  
11 COMMONWEALTH.

12 "SECRETARY." THE SECRETARY OF TRANSPORTATION OF THE  
13 COMMONWEALTH.

14 Section 302. Total authorization.

15 The total authorization for the capital projects in the  
16 category of public improvement projects itemized in section ~~3-~~ ←  
17 303 and to be constructed by the Department of General Services, ←  
18 its successors or assigns, and to be financed from debt incurred  
19 under clause (1) OR (4) of subsection (a) of section 7 of ←  
20 Article VIII of the Constitution of Pennsylvania shall be  
21 \$90,000,000.

22 Section 303. Itemization of public improvement projects.

23 Additional capital projects in the category of public  
24 improvement projects to be constructed by the Department of  
25 General Services, its successors or assigns, and to be financed  
26 from debt incurred under clause (1) OR (4) of subsection (a) of ←  
27 section 7 of Article VIII of the Constitution of Pennsylvania  
28 are hereby itemized, together with their respective estimated  
29 financial costs, as follows:

30 (a) Department of Environmental Protection



1 CONTROL PROJECT  
2 PROJECT ALLOCATION 153,000  
3 (BASE PROJECT ALLOCATION-\$153,000)  
4 (III) CITY OF WILKES-BARRE, SOLOMON  
5 CREEK FLOOD CONTROL PROJECT  
6 Project Allocation 20,000,000  
7 (Base Project Allocation-\$16,000,000)  
8 (Design & Contingencies-\$4,000,000)  
9 ~~(ii) Exeter Borough, Hicks Creek Flood~~ ←  
10 ~~Control Project~~  
11 (IV) EXETER BOROUGH, HICKS CREEK FLOOD ←  
12 CONTROL PROJECT  
13 Project Allocation 1,000,000  
14 (Base Project Allocation - \$1,000,000)  
15 (5) MONTGOMERY COUNTY ←  
16 (I) AMBLER TOWNSHIP, FLOOD CONTROL  
17 PROJECT  
18 PROJECT ALLOCATION 185,000  
19 (BASE PROJECT ALLOCATION-\$185,000)  
20 (6) MONTOUR COUNTY  
21 (I) DANVILLE BOROUGH, FLOOD CONTROL  
22 PROJECT  
23 PROJECT ALLOCATION 3,600,000  
24 (BASE PROJECT ALLOCATION-\$3,600,000)  
25 (7) NORTHUMBERLAND COUNTY  
26 (I) MILTON BOROUGH, LIMESTONE RUN FLOOD  
27 CONTROL PROJECT  
28 PROJECT ALLOCATION 2,000,000  
29 (BASE PROJECT ALLOCATION-\$2,000,000)  
30 (II) CITY OF SUNBURY, FLOOD CONTROL

1 PROJECT  
2 PROJECT ALLOCATION 100,000  
3 (BASE PROJECT ALLOCATION-\$100,000)

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

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

8 Section 305. Federal funds.

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

12 Section 306. Construction.

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

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

23 CHAPTER 5

24 DISASTER MITIGATION AND ASSISTANCE PROJECTS

25 Section 501. Short title of chapter.

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

28 Section 502. Definitions.

29 The following words and phrases when used in this chapter  
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

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

7 Section 503. Total authorization.

8 The total authorization for disaster mitigation projects or  
9 public assistance projects as defined in The Robert T. Stafford  
10 Disaster Relief and Emergency Assistance Act (Public Law 93-288,  
11 88 Stat. 143) and to be financed in part with grants limited to  
12 the required match for the Federal share of the costs made to  
13 local political subdivisions or nonprofit organizations where  
14 applicable as itemized in ~~this chapter~~ SECTION 504 is

15 \$8,000,000. Projects for which no Federal funds are received  
16 shall not receive funding under this chapter.

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

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

23 Section 505. Columbia County.

24 (a) Town of Bloomsburg

25 (1) Sanitary Sewer Flood Damage

26 Project Allocation 3,500,000

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

28 ~~Section 506. Luzerne County.~~

29 ~~(a) West Pittston Borough~~

30 (2) FLOOD DAMAGE TO FAIRGROUNDS

1 PROJECT ALLOCATION 1,500,000  
2 (BASE PROJECT ALLOCATION-\$1,500,000)  
3 SECTION 506. DAUPHIN COUNTY.  
4 (A) DERRY TOWNSHIP  
5 (1) REPAIR OR REPLACEMENT OF  
6 DAMAGED SEWER SYSTEM  
7 PROJECT ALLOCATION 6,000,000  
8 (BASE PROJECT ALLOCATION-\$6,000,000)  
9 SECTION 507. LUZERNE COUNTY.  
10 (A) DURYEA BOROUGH  
11 (1) FLOOD DAMAGE TO SEWER PLANT  
12 PROJECT ALLOCATION 147,500  
13 (BASE PROJECT ALLOCATION-\$147,500)  
14 (2) REPAIR OR REPLACEMENT OF  
15 DAMAGED SEWER SYSTEM  
16 PROJECT ALLOCATION 920,000  
17 (BASE PROJECT ALLOCATION-\$920,000)  
18 (B) WEST PITTSTON BOROUGH  
19 (1) Sanitary Sewer and Storm  
20 Water Sewer Flood Damage  
21 Project Allocation 3,790,000  
22 (Base Project Allocation-\$3,790,000)  
23 SECTION 508. NORTHUMBERLAND COUNTY. ←  
24 (A) CITY OF SHAMOKIN  
25 (1) FLOOD DAMAGE TO SEWER LINE  
26 PROJECT ALLOCATION 250,000  
27 (BASE PROJECT ALLOCATION-\$250,000)  
28 Section 572. Funds.  
29 The projects itemized in this chapter shall be funded from  
30 debt incurred under the provisions of clause (1) OR (4) of ←

1 subsection (a) of section 7 of Article VIII of the Constitution  
2 of Pennsylvania.

3 ~~Section 573. State and local participation levels.~~ ←

4 ~~(a) Public assistance. The required non Federal~~  
5 ~~contribution of 25% necessary to secure Federal public~~  
6 ~~assistance funding shall be divided between the State and the~~  
7 ~~affected local political subdivision or nonprofit organization~~  
8 ~~where applicable. The State share will be 22%, and the political~~  
9 ~~subdivision or nonprofit organization share will be 3%.~~

10 ~~(b) Local waiver. The Commonwealth may reduce the share of~~  
11 ~~an affected political subdivision if the tax base of that~~  
12 ~~political subdivision was substantially reduced as a direct~~  
13 ~~result of Hurricane Irene or Tropical Storm Lee or if payment of~~  
14 ~~the local share exceeds 40% of the most recently adopted annual~~  
15 ~~budget of the political subdivision. The Commonwealth may~~  
16 ~~require the adoption of appropriate flood control or storm water~~  
17 ~~management plans as a condition of the waiver if the adoption of~~  
18 ~~the plan does not present additional financial hardship.~~

19 ~~Section 574 573. Federal funds.~~ ←

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

23 ~~Section 575 574. Construction.~~ ←

24 Amounts contained in this chapter for any project shall not  
25 supplant or replace any Federal funds authorized by any Federal  
26 law or regulation. Funding from this chapter for any project is  
27 available only to the extent that Federal funds are not  
28 available for such project.

29 CHAPTER 7

30 MISCELLANEOUS PROVISIONS

1 ~~Section 701. Constitutional construction.~~ ←

2 ~~The provisions of this act shall be severable and, if any of~~  
3 ~~the provisions of this act shall be held unconstitutional, such~~  
4 ~~decisions shall not affect the validity of any of the remaining~~  
5 ~~provisions of this act. It is hereby declared as the legislative~~  
6 ~~intent that this act would have been adopted had such~~  
7 ~~unconstitutional provisions not been included in this act.~~

8 Section ~~702~~ 701. Effective date. ←

9 This act shall take effect immediately.