

AMENDED IN ASSEMBLY SEPTEMBER 6, 2001

AMENDED IN SENATE JUNE 4, 2001

AMENDED IN SENATE MAY 1, 2001

**SENATE BILL**

**No. 699**

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**Introduced by Senator Battin**

February 23, 2001

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An act to add Section 12749.95 to the Water Code, relating to water; ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 699, as amended, Battin. Flood control.

(1) Existing law provides for state cooperation with the federal government in the construction of specified flood control projects.

This bill, subject to appropriation of funds in the annual Budget Act, would authorize the project for flood control on the Whitewater River in Riverside County in accordance with a prescribed final report, and as authorized by a prescribed federal act, at an estimated cost to the state of the sum that may be appropriated for state cooperation by statute, upon the recommendation and advice of the Department of Water Resources. The bill would require the Coachella Valley Water District, in conjunction with the Department of the Army, to carry out the project, to give specified assurance to the Secretary of the Army, and to enter into an agreement with the department pursuant to which the district agrees to indemnify and hold and save the state harmless from any liability for damages arising out of the project, as specified. By imposing requirements on the district in connection with the project, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(3) The bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$  majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12749.95 is added to the Water Code, to  
2 read:

3 12749.95. (a) (1) The project for flood control on the  
4 Whitewater River in Riverside County is adopted and authorized  
5 substantially in accordance with the congressional approval and  
6 the final report of the Chief of Engineers dated December 29,  
7 2000, as authorized by Section 101(b)(10) of the Water Resources  
8 Development Act of 2000 (Public Law 106-541), at an estimated  
9 cost to the state of the sum that may be appropriated for state  
10 cooperation by statute, upon the recommendation and advice of  
11 the department.

12 (2) The authorization of the project is contingent upon the  
13 appropriation of funds in the annual Budget Act to pay for the  
14 state's share of costs associated with the project.

15 (b) The Coachella Valley Water District shall give assurances  
16 satisfactory to the Secretary of the Army that the local cooperation  
17 required by that final report will be furnished by the district in  
18 connection with the project for flood control adopted and  
19 authorized in subdivision (a).

20 (c) The Coachella Valley Water District, in conjunction with  
21 the Department of the Army, shall carry out the plans and project  
22 and may make modifications and amendments to the plans for the  
23 purposes of Chapter 1 (commencing with 12570) and this chapter.

24 (d) The Coachella Valley Water District shall enter into an  
25 agreement with the department pursuant to which the district  
26 agrees to indemnify and hold and save the state, its officers, agents,  
27 and employees harmless from any and all liability for damages that



1 may arise out of the planning, design, construction, operation,  
2 maintenance, repair, and rehabilitation of the project.

3 SEC. 2. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district are the result of a program for which legislative authority  
7 was requested by that local agency or school district, within the  
8 meaning of Section 17556 of the Government Code and Section  
9 6 of Article XIII B of the California Constitution.

10 ~~SEC. 3. This act is an urgency statute necessary for the~~  
11 ~~immediate preservation of the public peace, health, or safety~~  
12 ~~within the meaning of Article IV of the Constitution and shall go~~  
13 ~~into immediate effect. The facts constituting the necessity are:~~

14 ~~Due to the importance to the region of a project for flood control~~  
15 ~~on the Whitewater River in Riverside County, it is necessary for~~  
16 ~~this act to take effect immediately.~~

