

Assembly Bill No. 1898

Passed the Assembly May 27, 2008

Chief Clerk of the Assembly

Passed the Senate August 14, 2008

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 12748.3 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1898, Evans. Flood control subvention funds: Napa River.

Existing law provides for state cooperation with the federal government in the construction of specified flood control projects, and prescribes requirements to be met prior to state authorization of flood management projects that receive state financial aid.

This bill would authorize the state to provide funds, as prescribed, to the City of St. Helena, or to local agencies in the County of Napa, for a flood control project on the Napa River, as described, at an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department and upon a determination by the department that the project meets those financial aid requirements. The bill would provide that the state assumes no liability for damages that may result from the project by authorizing the provision of funds, or by the appropriation of those funds, as specified.

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

SECTION 1. Section 12748.3 is added to the Water Code, to read:

12748.3. (a) The state may provide funds in accordance with Section 12585.7 to the City of St. Helena, or to local agencies in the County of Napa, for the project for flood control on the Napa River in the County of Napa authorized by Section 5054 of the federal Water Resources Development Act of 2007 (Public Law 110-114), as follows:

(1) At an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature upon the recommendations and advice of the department.

(2) Upon a specific written determination by the department that the project meets the requirements of Section 12582.7.

(b) The state assumes no liability for damages that may result from the project by either of the following:

(1) Authorizing the provision of funds in accordance with this section.

(2) The appropriation by the Legislature of these funds upon the recommendations and advice of the department.

(c) A county or local agency may receive the funds only if it enters into an agreement with the department pursuant to which the city or local agency agrees to indemnify and hold and save harmless the state, its officers, agents, and employees for any and all liability for damages that may result from the project.

(d) For the purposes of this section, “liability for damages” includes, but is not limited to, liability for damages relating to the construction or operation of the project or the failure of the project to operate as intended.

Approved _____, 2008

Governor