

**Introduced by Senator Lowenthal**

February 24, 2012

---

---

An act to amend Section 12929.12 of, to repeal Chapter 1 (commencing with Section 12300) of Part 4.8 of Division 6 of, and to amend and renumber the heading of Chapter 1.5 (commencing with Section 12306) of Part 4.8 of Division 6 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1386, as introduced, Lowenthal. Delta Flood Protection Fund.

Existing law establishes the Delta Flood Protection Fund in the State Treasury and states the intent of the Legislature to annually appropriate specified amounts of money in the fund to the Department of Water Resources for delta levee maintenance and delta flood protection projects. Existing law abolished the Delta Flood Protection Fund on July 1, 2010.

This bill would repeal obsolete provisions establishing the Delta Flood Protection Fund and would make conforming changes to existing law.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

- 1 SECTION 1. Chapter 1 (commencing with Section 12300) of
- 2 Part 4.8 of Division 6 of the Water Code is repealed.
- 3 SEC. 2. The heading of Chapter 1.5 (commencing with Section
- 4 12306) of Part 4.8 of Division 6 of the Water Code is amended
- 5 and renumbered to read:

1           CHAPTER ~~1.5.1. ENVIRONMENTAL MITIGATION AND~~  
2           ~~PROTECTION REQUIREMENTS-GENERAL PROVISIONS~~

3  
4       SEC. 3. Section 12929.12 of the Water Code is amended to  
5 read:

6       12929.12. (a) It is the intent of the Legislature that sixty-five  
7 million dollars (\$65,000,000) of the funds that may be transferred,  
8 pursuant to paragraph (3) of subdivision (b) of Section 12937, to  
9 the California Water Fund from the California Water Resources  
10 Development Bond Fund, shall be appropriated to the  
11 Environmental Water Fund. It is the intent of the Legislature,  
12 subject to subdivision (b), to appropriate to the Environmental  
13 Water Fund one million dollars (\$1,000,000) in the 1990–91 fiscal  
14 year and eight million dollars (\$8,000,000) per year in fiscal years  
15 1991–92 to 1998–99, inclusive. However, the director, in  
16 consultation with the Department of Finance, may accelerate  
17 payments to the California Water Fund for appropriation to the  
18 Environmental Water Fund if the director deems it appropriate to  
19 do so.

20       (b) It is the further intent of the Legislature that if the director  
21 determines that all or any portion of the amount that would  
22 otherwise be appropriated in any fiscal year to the Environmental  
23 Water Fund in accordance with subdivision (a), ~~or to the Delta~~  
24 ~~Flood Protection Fund pursuant to Section 12303~~, is required for  
25 continued construction of the State Water Resources Development  
26 System pursuant to Section 12938, the entire amount that would  
27 otherwise be appropriated to the Environmental Fund for that fiscal  
28 year shall be reduced ~~to zero before any reduction is made in the~~  
29 ~~amount to be appropriated to the Delta Flood Protection Fund~~  
30 *accordingly*. It is also the intent of the Legislature that any  
31 reduction in funds appropriated to the Environmental Water Fund  
32 ~~and the Delta Flood Protection Fund~~ pursuant to this subdivision  
33 be made up from funds transferred to the California Water Fund  
34 pursuant to paragraph (3) of subdivision (b) of Section 12937 in  
35 subsequent fiscal years.