

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1088

Introduced by Assembly Member Muratsuchi

February 22, 2013

An act to ~~amend Section 65007 of the Government Code, relating to land use~~ *add Section 12096.45 to the Government Code, relating to the California Office of Business and Economic Development.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1088, as amended, Muratsuchi. ~~Planning and Zoning Law. The Governor's Office of Business and Economic Development: trade office: Japan.~~

Existing law establishes the Governor's Office of Business and Economic Development, which is administered by a director appointed by the Governor. The office serves the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. The office exercises powers related to economic development, including, among others, making recommendations to the Governor and the Legislature regarding policies, programs, and actions to advance statewide economic goals.

This bill would require the office, no later than January 1, 2016, to establish under its jurisdiction an overseas trade office in Tokyo, Japan, as specified.

~~The Planning and Zoning Law requires a city or county general plan to include specified mandatory elements, including a land use element that designates the proposed general distribution and general location and extent of the uses of the land for various purposes and a conservation~~

element that considers, among other things, the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands. The land use element is required to identify areas that are subject to flooding, and the conservation element may also cover, among other things, flood control.

This bill would make a technical, nonsubstantive change to a provision of the Planning and Zoning Law.

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

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

1 SECTION 1. Section 12096.45 is added to the Government
2 Code, to read:

3 12096.45. No later than January 1, 2016, upon appropriation
4 of sufficient funds for this purpose, the office shall establish under
5 its jurisdiction an overseas trade office in Tokyo, Japan. The trade
6 office shall have those powers and duties prescribed by the
7 director, to promote and facilitate the state’s international trade
8 activities.

9 SECTION 1. ~~Section 65007 of the Government Code is~~
10 ~~amended to read:~~

11 65007. ~~As used in this title, the following terms have the~~
12 ~~following meanings, unless the context requires otherwise:~~

13 (a) ~~“Adequate progress” means all of the following:~~
14 (1) ~~The total project scope, schedule, and cost of the completed~~
15 ~~flood protection system have been developed to meet the~~
16 ~~appropriate standard of protection.~~

17 (2) ~~(A) Revenues that are sufficient to fund each year of the~~
18 ~~project schedule developed in paragraph (1) have been identified~~
19 ~~and, in any given year and consistent with that schedule, at least~~
20 ~~90 percent of the revenues scheduled to be received by that year~~
21 ~~have been appropriated and are currently being expended.~~

22 (B) ~~Notwithstanding subparagraph (A), for any year in which~~
23 ~~state funding is not appropriated consistent with an agreement~~
24 ~~between a state agency and a local flood management agency, the~~
25 ~~Central Valley Flood Protection Board may find that the local~~
26 ~~flood management agency is making adequate progress in working~~
27 ~~toward the completion of the flood protection system.~~

1 ~~(3) Critical features of the flood protection system are under~~
2 ~~construction, and each critical feature is progressing as indicated~~
3 ~~by the actual expenditure of the construction budget funds.~~

4 ~~(4) The city or county has not been responsible for a significant~~
5 ~~delay in the completion of the system.~~

6 ~~(5) The local flood management agency shall provide the~~
7 ~~Department of Water Resources and the Central Valley Flood~~
8 ~~Protection Board with the information specified in this subdivision~~
9 ~~sufficient to determine substantial completion of the required flood~~
10 ~~protection. The local flood management agency shall annually~~
11 ~~report to the Central Valley Flood Protection Board on the efforts~~
12 ~~in working toward completion of the flood protection system.~~

13 ~~(b) “Central Valley Flood Protection Plan” has the same~~
14 ~~meaning as that set forth in Section 9612 of the Water Code.~~

15 ~~(c) “Developed area” has the same meaning as that set forth in~~
16 ~~Section 59.1 of Title 44 of the Code of Federal Regulations.~~

17 ~~(d) “Flood hazard zone” means an area subject to flooding that~~
18 ~~is delineated as either a special hazard area or an area of moderate~~
19 ~~hazard on an official flood insurance rate map issued by the Federal~~
20 ~~Emergency Management Agency. The identification of flood~~
21 ~~hazard zones does not imply that areas outside the flood hazard~~
22 ~~zones, or uses permitted within flood hazard zones, will be free~~
23 ~~from flooding or flood damage.~~

24 ~~(e) “National Federal Emergency Management Agency standard~~
25 ~~of flood protection” means the level of flood protection that is~~
26 ~~necessary to withstand flooding that has a 1-in-100 chance of~~
27 ~~occurring in any given year using criteria developed by the Federal~~
28 ~~Emergency Management Agency for application in the National~~
29 ~~Flood Insurance Program.~~

30 ~~(f) “Nonurbanized area” means a developed area or an area~~
31 ~~outside a developed area in which there are fewer than 10,000~~
32 ~~residents that is not an urbanizing area.~~

33 ~~(g) “Project levee” means a levee that is part of the facilities of~~
34 ~~the State Plan of Flood Control.~~

35 ~~(h) “Sacramento-San Joaquin Valley” means lands in the bed~~
36 ~~or along or near the banks of the Sacramento River or San Joaquin~~
37 ~~River, or their tributaries or connected therewith, or upon any land~~
38 ~~adjacent thereto, or within the overflow basins thereof, or upon~~
39 ~~land susceptible to overflow therefrom. The Sacramento-San~~

1 Joaquin Valley does not include lands lying within the Tulare Lake
2 basin, including the Kings River.

3 (i) “State Plan of Flood Control” has the same meaning as that
4 set forth in subdivision (j) of Section 5096.805 of the Public
5 Resources Code.

6 (j) “Tulare Lake basin” means the Tulare Lake Hydrologic
7 Region as defined in the California Water Plan Update 2009,
8 prepared by the Department of Water Resources pursuant to
9 Chapter 1 (commencing with Section 10004) of Part 1.5 of Division
10 6 of the Water Code.

11 (k) “Undetermined risk area” means an urban or urbanizing area
12 within a moderate flood hazard zone, as delineated on an official
13 flood insurance rate map issued by the Federal Emergency
14 Management Agency, which has not been determined to have an
15 urban level of protection.

16 (l) “Urban area” means a developed area in which there are
17 10,000 residents or more.

18 (m) “Urbanizing area” means a developed area or an area outside
19 a developed area that is planned or anticipated to have 10,000
20 residents or more within the next 10 years.

21 (n) “Urban level of flood protection” means the level of
22 protection that is necessary to withstand flooding that has a
23 1-in-200 chance of occurring in any given year using criteria
24 consistent with, or developed by, the Department of Water
25 Resources. “Urban level of flood protection” shall not mean
26 shallow flooding or flooding from local drainage that meets the
27 criteria of the national Federal Emergency Management Agency
28 standard of flood protection.

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