

AMENDED IN SENATE JANUARY 26, 2000

SENATE BILL

No. 257

Introduced by Senators Ortiz and Costa
(Coauthors: Assembly Members Cox, Machado, and
Steinberg)

January 28, 1999

An act to amend Section 12657 of, and to add Sections 12670.14 and 12670.16 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 257, as amended, Ortiz. Flood protection.

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

~~This bill would adopt and authorize a specified flood protection project in the Natomas and North Sacramento areas of the City of Sacramento and the Counties of Sacramento and Sutter, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation, upon the recommendation and advice of the Department of Water Resources or the Reclamation Board, as prescribed projects for flood control in the City of Sacramento and the Counties of Sacramento and Sutter at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation upon the recommendation and the advice of the Department of Water Resources or the Reclamation Board. The bill would specify related matters in connection with that project these projects.~~

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

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

1 SECTION 1. Section 12657 of the Water Code is
2 amended to read:

3 12657. (a) Except as otherwise provided in Chapter
4 1 (commencing with Section 12570) and this chapter, the
5 Reclamation Board shall give assurances satisfactory to
6 the Secretary of the Army that the local cooperation,
7 required by Section 3 of the act of Congress approved
8 December 22, 1944 (P.L. 534, 78th Congress, Second
9 Session), Section 2 of the act of Congress approved
10 August 18, 1941 (P.L. 228, 78th Congress, First Session),
11 and Section 103 of the act of Congress approved
12 November 17, 1986 (P.L. 99-662, 99th Congress, Second
13 Session) will be furnished by the state in connection with
14 the flood control projects authorized and adopted in
15 Sections 12648, 12648.1, 12648.2, 12648.3, 12648.4, 12648.5,
16 12648.6, 12648.7, 12649.1, 12650, 12651, 12652, 12654,
17 12656.5, 12661.5, 12666, 12667, 12670.2, 12670.10, and
18 12670.14, and on any flood control projects on any stream
19 flowing into or in the Sacramento Valley or the San
20 Joaquin Valley heretofore or hereafter approved and
21 authorized by Congress.

22 (b) Assurances provided pursuant to subdivision (a)
23 shall not be made until the local agency, by binding
24 agreement with the Reclamation Board, has agreed to
25 assume all obligations under Sections 12585 to 12585.5,
26 inclusive.

27 ~~SEC. 2. Section 12670.14 is added to the Water Code,~~
28 ~~to read:~~

29 ~~12670.14. The project for flood protection in the~~
30 ~~Natomas and North Sacramento areas within the City of~~
31 ~~Sacramento and the Counties of Sacramento and Sutter~~
32 ~~is adopted and authorized substantially in accordance~~
33 ~~with the recommendations of the Chief of Engineers, in~~
34 ~~the report entitled "American River Watershed~~
35 ~~Investigation," dated July 1, 1992, and as adopted and~~



1 ~~authorized by Congress in Section 9159 of the~~
2 ~~Department of Defense Appropriations Act, 1993 (P.L.~~
3 ~~102-396), at an estimated cost to the state of the sum that~~
4 ~~may be appropriated by the Legislature for state~~
5 ~~participation, upon the recommendation and advice of~~
6 ~~the department or the Reclamation Board.~~

7 *SEC. 2. Section 12670.14 is added to the Water Code,*
8 *to read:*

9 *12670.14. The following projects in areas within the*
10 *City of Sacramento and the Counties of Sacramento and*
11 *Sutter are adopted and authorized at an estimated cost to*
12 *the state of the sum that may be appropriated by the*
13 *Legislature for state participation upon the*
14 *recommendation and advice of the department or the*
15 *Reclamation Board:*

16 *(a) The project for flood control in the Natomas and*
17 *North Sacramento areas adopted and authorized by*
18 *Congress in Section 9159 of the Department of Defense*
19 *Appropriations Act of 1993 (P.L. 102-396) substantially in*
20 *accordance with the recommendations of the Chief of*
21 *Engineers in the report entitled "American River*
22 *Watershed Investigation" dated July 1, 1992.*

23 *(b) The project for flood control along the American*
24 *and Sacramento Rivers adopted and authorized by*
25 *Congress in Section 101(a)(1) of the Water Resources*
26 *Development Act of 1996 substantially in accordance*
27 *with the recommendations of the Chief of Engineers in*
28 *the report entitled "American River Watershed Project,*
29 *California" dated June 27, 1996, as modified by Congress*
30 *in Section 366 of the Water Resources Development Act*
31 *of 1999.*

32 *(c) The project to modify Folsom Dam adopted and*
33 *authorized by Congress in Section 101(a)(6) of the Water*
34 *Resources Development Act of 1999, as described in the*
35 *United States Army Corps of Engineers Supplemental*
36 *Information Report for the American River Watershed*
37 *Project, California, dated March 1996, as modified by the*
38 *report entitled "Folsom Dam Modification Report, New*
39 *Outlets Plan" dated March 1998 prepared by the*
40 *Sacramento Area Flood Control Agency.*



1 SEC. 3. Section 12670.16 is added to the Water Code,
2 to read:
3 12670.16. With regard to the ~~project~~ *projects* for flood
4 control authorized in Section 12670.14, the Sacramento
5 Area Flood Control Agency shall be reimbursed pursuant
6 to Section 12585.5 for any ~~project—costs~~ *costs of those*
7 *projects* that the agency advances on behalf of the
8 department or Reclamation Board, provided that prior to
9 any such reimbursement, the agency shall execute an
10 agreement with the department under which it agrees to
11 indemnify and hold the state harmless from damages due
12 to the construction, operation, or maintenance of ~~the~~
13 ~~project~~ *those projects* and agrees to operate, maintain,
14 repair, replace, and rehabilitate ~~the—project~~ *those*
15 *projects*, or provide the agreement of its appropriate
16 member agency to do so.

