

Introduced by Senator Kelley

February 2, 1999

An act to add Sections 12721.5 and 12721.7 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 289, as introduced, Kelley. Flood control: habitat restoration.

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

This bill would authorize a project for flood control on the Santa Ana River at Norco Bluffs and a project for habitat restoration at Gunnerson Pond, in accordance with prescribed reports by the Chief of Engineers of the United States Army Corps of Engineers, each 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 of Water Resources. The bill would authorize the department to pay 50% of the nonfederal capital costs of the recreation and fish and wildlife enhancement features of those projects. The bill would require the Riverside County Flood Control and Water Conservation District to carry out the projects and to give prescribed assurances to the Secretary of the Army in connection with those projects, thereby imposing a state-mandated local program. The bill would prescribe related matters.

(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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: 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 12721.5 is added to the Water
2 Code, to read:

3 12721.5. (a) The project for flood control on the
4 Santa Ana River at Norco Bluffs is adopted and
5 authorized substantially in accordance with the final
6 report of the Chief of Engineers of the United States
7 Army Corps of Engineers dated December 23, 1996, as
8 authorized by Section 101 (b)(4) of the Water Resources
9 Development Act of 1996 (P.L. 104-303), at an estimated
10 cost to the state of the sum that may be appropriated for
11 state cooperation by the Legislature, upon the
12 recommendation and advice of the department. The
13 department may pay 50 percent of the nonfederal capital
14 costs of the recreation and fish and wildlife enhancement
15 features of the project.

16 (b) The Riverside County Flood Control and Water
17 Conservation District shall give assurances satisfactory to
18 the Secretary of the Army that the local cooperation
19 required by the final report of the Chief of Engineers of
20 the United States Army Corps of Engineers dated
21 December 23, 1996, will be furnished by the district in
22 connection with the project for flood control adopted and
23 authorized in subdivision (a).



1 (c) The district, in conjunction with the Department
2 of the Army, shall carry out the plans and project and may
3 make modifications and amendments to the plans as may
4 be necessary to carry out the plans for the purposes of
5 Chapter 1 (commencing with Section 12570) and this
6 chapter.

7 SEC. 2. Section 12721.7 is added to the Water Code, to
8 read:

9 12721.7. (a) The project for habitat restoration at
10 Gunnerson Pond is adopted and authorized substantially
11 in accordance with the final project modification report
12 of the Chief of Engineers of the United States Army Corps
13 of Engineers dated October 1997, as authorized by
14 Section 1135 of the Water Resources Development Act of
15 1986 (P.L. 99-662), and as previously authorized by
16 Section 12750, at an estimated cost to the state of the sum
17 that may be appropriated for state cooperation by the
18 Legislature upon the recommendation and advice of the
19 department. The department may pay 50 percent of the
20 nonfederal capital costs of the recreation and fish and
21 wildlife enhancement features of the project.

22 (b) The Riverside County Flood Control and Water
23 Conservation District shall give assurances satisfactory to
24 the Secretary of the Army that the local cooperation
25 required by the project modification report of the Chief
26 of Engineers of the United States Army Corps of
27 Engineers dated October 1997 will be furnished by the
28 district in connection with the project adopted and
29 authorized in subdivision (a).

30 (c) The district, in conjunction with the Department
31 of the Army, shall carry out the plans and project and may
32 make modifications and amendments to the plans as may
33 be necessary to carry out the plans for the purposes of
34 Chapter 1 (commencing with Section 12570) and this
35 chapter.

36 SEC. 3. Notwithstanding Section 17610 of the
37 Government Code, if the Commission on State Mandates
38 determines that this act contains costs mandated by the
39 state, reimbursement to local agencies and school
40 districts for those costs shall be made pursuant to Part 7



1 (commencing with Section 17500) of Division 4 of Title
2 2 of the Government Code. If the statewide cost of the
3 claim for reimbursement does not exceed one million
4 dollars (\$1,000,000), reimbursement shall be made from
5 the State Mandates Claims Fund.

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