

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 41**

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**Introduced by Assembly Member La Malfa  
(Coauthors: Assembly Members Aghazarian, Berryhill, Gaines,  
Maze, and Villines)**

December 4, 2006

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An act to *add Section 21080.34 to the Public Resources Code*, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 41, as amended, La Malfa. Water resources: ~~bond proceeds~~. *Temperance Flat Surface Water Storage Project and Sites Reservoir: California Environmental Quality Act.*

~~The~~

(1) *Existing law, the California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA provides for various exemptions from the requirements of the act.*

*This bill would exempt from CEQA, the construction of the Temperance Flat Surface Water Storage Project and the Sites Reservoir. By imposing new duties on a local agency to determine whether this exemption applies to a project, the bill would impose a state-mandated local program.*

(2) *The Disaster Preparedness and Flood Prevention Bond Act of 2006, a bond act approved by the voters at the November 7, 2006,*

statewide general election, authorizes the issuance of bonds in the amount of \$4,090,000,000 for the purposes of financing disaster preparedness and flood prevention projects. The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative bond act approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing a safe drinking, water quality and supply, flood control, and resource protection program.

This bill would declare that it is the intent of the Legislature that the funds derived from these bond acts, consistent with the intent of the voters, be expended in the most cost-efficient and effective manner and, to the greatest extent possible, to address this state’s critical lack of adequate surface water storage. The bill would make related legislative findings and declarations.

*(3) 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.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) For years, California has failed to address adequately the
- 4 need for increased water storage to meet the state’s residential,
- 5 business, agricultural, environmental, and water quality needs.
- 6 (2) According to the Department of Water Resources, by 2020
- 7 California will fall short of meeting its water needs in critically
- 8 dry years by 6.2 million acre-feet.
- 9 (3) Our population will increase by an amount that is equivalent
- 10 to the current population of Michigan by 2020, or a city the size
- 11 of Long Beach each and every year.
- 12 (4) The CALFED Record of Decision, dated August 28, 2000,
- 13 identified five major dam projects that could provide significant
- 14 new surface water to California.

1 (5) Two projects, Temperance Flat in Fresno County and Sites  
2 Reservoir in Colusa County, hold the greatest promise for providing  
3 new surface shortage. Environmental documentation for both  
4 projects is expected to be completed by 2008.

5 (b) It is the intent of the Legislature that the funds derived from  
6 the Disaster Preparedness and Flood Prevention Bond Act of 2006  
7 and the Safe Drinking Water, Water Quality and Supply, Flood  
8 Control, River and Coastal Protection Bond Act of 2006, which  
9 laws the voters approved at the November 7, 2006, statewide  
10 general election, be expended, consistent with the intent of the  
11 voters, in the most cost-efficient and effective manner and, to the  
12 greatest extent possible, to address this state's critical lack of  
13 adequate surface water storage.

14 *SEC. 2. Section 21080.34 is added to the Public Resources*  
15 *Code, to read:*

16 *21080.34. This division does not apply to the construction of*  
17 *the Temperance Flat Surface Water Storage Project and the Sites*  
18 *Reservoir.*

19 *SEC. 3. The Legislature finds and declares that, because of*  
20 *the unique circumstances applicable to only the Temperance Flat*  
21 *Surface Water Storage Project and the Sites Reservoir, a statute*  
22 *of general applicability cannot be enacted within the meaning of*  
23 *subdivision (b) of Section 16 of Article IV of the California*  
24 *Constitution, and, therefore, this special statute is necessary.*

25 *SEC. 4. No reimbursement is required by this act pursuant to*  
26 *Section 6 of Article XIII B of the California Constitution because*  
27 *a local agency or school district has the authority to levy service*  
28 *charges, fees, or assessments sufficient to pay for the program or*  
29 *level of service mandated by this act, within the meaning of Section*  
30 *17556 of the Government Code.*