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AB-436 San Lorenzo River. (2017-2018)

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Assembly Bill No. 436

CHAPTER 166

An act to amend Section 12706.3 of the Water Code, relating to water.

[Approved by Governor August 07, 2017. Filed with Secretary of State August 07, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 436, Mark Stone. San Lorenzo River.

Existing law provides for state cooperation with the federal government in the construction of specified flood control projects. Existing law authorizes the project for flood control on the San Lorenzo River, in accordance with a prescribed final report, and as authorized by a prescribed federal act, at an estimated cost to the state of the sum that may be appropriated for state cooperation by statute, upon the recommendation and advice of the Department of Water Resources. Existing law requires the City of Santa Cruz to carry out the project. Existing law makes state funding contingent on the provision of funds for the project in either the annual Budget Act or a general obligation bond act.

This bill would authorize state funding, available upon appropriation by the Legislature, to be used within the authorized project boundaries to fund construction of the final phase of the authorized project, as specified, when there are not available federal funds for project completion. The bill would require the funding for project completion to be 70% from the state and 30% from the local project sponsor, except the bill would prohibit the state share from exceeding the equivalent state share if there was federal project funding.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12706.3 of the Water Code is amended to read:

12706.3. (a) The project for flood control on the San Lorenzo River is adopted and authorized substantially in accordance with congressional approval and the final report of the Chief of Engineers dated June 30, 1994, as authorized by Section 101 (a) (5) of the Water Resources Development Act of 1996 (Public Law 104-303), as amended, at an estimated cost to the state of the sum that may be appropriated for state cooperation by statute, upon the recommendation and advice of the department.

(b) The City of Santa Cruz shall give assurances satisfactory to the Secretary of the Army that the local cooperation required by that final report will be furnished by the city in connection with the project for flood control.

(c) (1) The City of Santa Cruz, in conjunction with the Department of the Army, shall carry out the project referred to in subdivision (a) and may make modifications and amendments to the plans as may be necessary to carry out the plans for the purposes of Chapter 1 (commencing with Section 12750) and this chapter.

(2) Notwithstanding Section 12639, if there are any major modifications or amendments to the plans that result in a substantial increase in the costs to the state for any estimated cost for the project, no money shall be reallocated by the state in aid of that portion of the project until the revised plans have been reviewed and approved by the department. The department shall approve the revised plans if the department determines that the benefits of the proposed works of improvement for the revised project will exceed the cost thereof and that the revised project appears to be the most economical project plan, considering construction costs, land costs, easements and rights-of-way costs, and operation and maintenance costs.

(d) State funding for the project is contingent on the provision of funds for that purpose in either the annual Budget Act or a general obligation bond act. Reimbursement of the state share of the nonfederal costs of the project shall be for those project costs incurred on or after October 12, 1996, the date on which the project was authorized by Congress, as set forth in Section 101(a)(5) of the Water Resources Development Act of 1996 Public Law 104-303).

(e) State funding, available upon appropriation by the Legislature, may be used within the authorized project boundaries as set forth in the final report of the Chief of Engineers dated June 30, 1994, as authorized by Section 101(a)(5) of the Water Resources Development Act of 1996 (Public Law 104-303), as amended. The state, through the Flood Control Subventions Program, may fund construction of the final phase of the authorized project, as specified in the Army Corps of Engineers report entitled San Lorenzo River Stable Channel Design, March 27, 2015, when there are not available federal funds for project completion. The funding for project completion shall be 70 percent from the state and 30 percent from the local project sponsor, except that the state share shall not exceed the equivalent state share if there was federal project funding.