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SB-1073 Flood control: Napa River. (2017-2018)

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Senate Bill No. 1073

CHAPTER 412

An act to amend Section 12748 of the Water Code, relating to flood control.

[Approved by Governor September 14, 2018. Filed with Secretary of State September 14, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1073, Dodd. Flood control: Napa River.

Existing law provides for state cooperation with the federal government in the construction of specified flood control projects. Existing law authorizes a plan of improvement for flood control and other purposes on the Napa River in Napa County, known as the Napa River Flood Control Project, in accordance with specified recommendations adopted by a specified federal act, 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.

This bill would require the state share of the nonfederal costs of that project to be only for those project costs incurred on or after the date on which the project was authorized by Congress. The bill would also authorize certain state funding to be used within the authorized project boundaries to fund construction of the incomplete portions of the authorized project when federal funds are not available for project completion, as provided.

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

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

SECTION 1. Section 12748 of the Water Code is amended to read:

12748. (a) The plan of improvement for flood control and other purposes on the Napa River in Napa County is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 222, 89th Congress, as adopted and authorized by the Act of Congress approved October 27, 1965 (Public Law 89-298, the "Flood Control Act of 1965"), as modified by data in the General Design Memorandum transmitted December 8, 1970, by the District Engineer, San Francisco District, United States Army Corps of Engineers, to the Director of Water Resources, at an estimated cost to the state of such sum as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department. This authorization shall not be deemed to confer preference on this project over the needs of other statewide programs in appropriation of available funds.

(b) (1) The state payments on the Napa River Flood Control Project shall be 75 percent of the costs of lands and rights or interests in lands whereon channel improvements and channel rectifications are located, and of lands, rights, or interests in lands necessary in connection with the construction, operation, or maintenance of those channel improvements or rectifications, including those necessary for flowage purposes, spoil areas, borrow pits, or for access roads, and shall be 90 percent of the costs

of the relocation, reconstruction, or replacement of existing improvements, structures, or utilities rendered necessary by the project.

(2) The local agency payments on the Napa River Flood Control Project shall be 25 percent of the costs of lands and rights or interests in lands whereon channel improvements and channel rectifications are located, and of lands, rights, or interests in lands necessary in connection with the construction, operation, or maintenance of such channel improvements or rectifications, including those necessary for flowage purposes, spoil areas, borrow pits or for access roads, and shall be 10 percent of the costs of the relocation, reconstruction, or replacement of existing improvements, structures, or utilities rendered necessary by the project.

(c) The local agency may receive credit against its share of the costs of lands, easements, and rights-of-way for lands required for the project which were acquired not more than five years prior to federal authorization of the project. The amount of this credit shall be determined by the department by applying the 75 percent representing the state portion of the costs of lands, easements, and rights-of-way to the actual costs of the local agency in the case of acquisition by purchase or condemnation, and to the fair market value at the time of title transfer in the case of acquisition free of charge. The department is authorized to loan the local agency the funds necessary to pay the local portion of the costs of lands, easements, and rights-of-way less any credit for acquired lands granted to the local agency by the department. These loans may not exceed a period of 10 years and the rate of interest on the loans shall be the current rate for the state's Pooled Money Investment Account. These loans shall be repaid in annual installments beginning one year after the loan is made. Annual loan payments may be deducted from the state's annual tax subvention to the local agency, if any. In the event that the local agency does not receive tax subventions from the state adequate to make the loan payment and becomes in default on the loan payments, the local agency, notwithstanding any other provisions of any statute limiting its tax ceiling, shall levy sufficient taxes to repay the loan. Notwithstanding any other provisions of law, the local agency is authorized to accept the loans authorized pursuant to this section.

(d) The state share of the nonfederal costs of the project shall be for those project costs incurred on or after October 27, 1965, the date on which the project was authorized by Congress, as set forth in the Flood Control Act of 1965 (Public Law 89-298).

(e) State funding authorized for the purposes of fulfilling the state share of the nonfederal share of flood control projects authorized in this chapter may be used within the authorized project boundaries as set forth in the General Design Memorandum transmitted December 8, 1970, by the District Engineer, San Francisco District, United States Army Corps of Engineers, to the Director of Water Resources. The state, through the Flood Control Subventions Program, may fund construction of the incomplete portions of the authorized project when federal funds are not available for project completion. The state share of the funding for project completion shall be 75 percent of the costs of lands and rights or interests in lands whereon channel improvements and channel rectifications are located, and of lands, rights, or interests in lands necessary in connection with the construction, operation, or maintenance of those channel improvements or rectifications, including those necessary for flowage purposes, spoil areas, borrow pits, or for access roads, and shall be 90 percent of the costs of the relocation, reconstruction, or replacement of existing improvements, structures, or utilities rendered necessary by the project, except that state funding provided pursuant to this chapter shall not exceed the equivalent state share if there were federal project funding.