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AB-781 Flood control projects: County of Orange: subvention funds. (2021-2022)

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Assembly Bill No. 781

CHAPTER 302

An act to add Section 12687.6 to the Water Code, relating to water.

[Approved by Governor September 24, 2021. Filed with Secretary of State September 24, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 781, Daly. Flood control projects: County of Orange: subvention funds.

Existing law provides for state cooperation with the federal government in the construction of specified flood control projects, and prescribes requirements to be met prior to state authorization of flood management projects that receive state financial assistance.

This bill would authorize the state to provide subvention funds, as prescribed, to the County of Orange for a specified flood control project at an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature and upon a determination by the Department of Water Resources that the project meets specified requirements. The bill would provide that the state assumes no liability for damages that may result from the project by authorizing the provision of subvention funds, or by the appropriation of those subvention funds. The bill would require, as a condition of receiving those subvention funds, the County of Orange to enter into an agreement to indemnify and hold and save harmless the state for any and all liability for damages that may result from the project.

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

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

SECTION 1. Section 12687.6 is added to the Water Code, to read:

12687.6. (a) The state may provide subvention funds in accordance with Section 12585.7 to the County of Orange for the Westminster, East Garden Grove, California Flood Risk Management project, which is authorized by Section 401 of the federal Water Resources Development Act of 2020 (Division AA of Public Law 116-260), and that is substantially in accordance with the recommendations of the Chief of Engineers of the United States Army Corps of Engineers Report, dated July 9, 2020, as follows:

(1) At an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature upon the recommendations and advice of the department.

(2) Upon a specific written determination by the department that the project meets the requirements of Section 12582.7.

(b) The state assumes no liability for damages that may result from the project by either of the following:

(1) Authorizing the provision of subvention funds in accordance with this section.

(2) The appropriation by the Legislature of the subvention funds upon the recommendations and advice of the department.

(c) The County of Orange may receive subvention funds under this section only if it enters into an agreement with the department pursuant to which the county agrees to indemnify and hold and save harmless the state and its officers, agents, and employees for any and all liability for damages that may result from the project.

(d) For purposes of this section, "liability for damages" includes, but is not limited to, liability for damages relating to the construction or operation of the project or the failure of the project to operate as intended.