

AMENDED IN ASSEMBLY APRIL 3, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1871**

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**Introduced by Assembly Member Hollingsworth**

January 31, 2002

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An act to add Section 12749.93 to the Water Code, relating to water development projects.

LEGISLATIVE COUNSEL'S DIGEST

AB 1871, as amended, Hollingsworth. Water development projects: ~~approved projects~~ *Murrieta Creek Flood Control Project*.

Existing law provides for state cooperation *and participation* with the federal government in the construction of various flood control projects.

This bill would adopt and authorize ~~a flood protection project for Murrieta Creek~~ *the Murrieta Creek Flood Control Project* in Riverside County in accordance with federal law, *and with the state's participation*. The bill would require the Riverside County Flood Control and Water Conservation District to carry out the project and to give assurances of local cooperation to the Secretary of the Army, thereby imposing a state-mandated local program.

This bill would declare that, due to the special circumstances ~~surrounding Murrieta Creek~~ *applicable only to the Murrieta Creek Flood Control Project*, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

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: yes. State-mandated local program: yes.

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

1 SECTION 1. *The Legislature finds and declares all of the*  
2 *following:*

3 (a) *The United States Congress has determined that the impacts*  
4 *of flooding can be reduced through the construction of the*  
5 *Murrieta Creek Flood Control Project, which carefully balances*  
6 *flood control and environmental issues, and provides high quality,*  
7 *low maintenance flood control facilities coupled with recreation*  
8 *and environmental restoration.*

9 (b) *The Murrieta Creek Flood Control Project incorporates*  
10 *features that substantially reduce potential flood damages to*  
11 *existing residences, business, agriculture and interstate*  
12 *commerce, while avoiding, minimizing, and mitigating impacts to*  
13 *environmental and recreational values.*

14 (c) *The Murrieta Creek Flood Control Project has been*  
15 *designed to produce the greatest feasible reduction in flood*  
16 *damages in the most efficient manner practicable, with due regard*  
17 *for environmental and recreational considerations, and local*  
18 *economic conditions. As designed, the project serves multipurpose*  
19 *objectives, including flood control, habitat restoration, and*  
20 *enhanced recreational opportunities.*

21 (d) *The Murrieta Creek Flood Control Project includes two*  
22 *distinct reaches, the downstream reach, which extends southerly of*  
23 *Winchester Road, and the upstream reach, extending northerly of*  
24 *Winchester Road.*

25 (e) *The total annual benefit of providing protection from flood*  
26 *damages provided by the downstream portion of the Murrieta*  
27 *Creek Flood Control Project exceeds the annual cost of the project*  
28 *allocable to flood management, and is therefore eligible for*  
29 *funding under Section 12585.7 of the Water Code.*



1 (f) *The recreation and fish and wildlife enhancement features*  
2 *resulting from habitat restoration make the upstream reach of the*  
3 *Murrieta Creek Flood Control Project eligible for funding under*  
4 *Section 12847 of the Water Code.*

5 *SEC. 2.* Section 12749.93 is added to the Water Code, to read:

6 12749.93. (a) ~~The project for flood control on the Murrieta~~  
7 ~~Creek~~ *downstream reach of the Murrieta Creek Flood Control*  
8 *Project, meeting the requirements of Section 12582.7, is adopted*  
9 *and authorized substantially in accordance with Public Law*  
10 *106-377, enacted on October 27, 2000, at an estimated cost to the*  
11 *state of the sum that may be appropriated by the Legislature for*  
12 *state cooperation, upon the recommendation and advice of the*  
13 *department.*

14 (b) *The upstream reach of the Murrieta Creek Flood Control*  
15 *Project is adopted and authorized for state participation pursuant*  
16 *to Section 12847 of the Water Code.*

17 (c) The Riverside County Flood Control and Water  
18 Conservation District shall give assurances satisfactory to the  
19 Secretary of the Army that the local cooperation required by  
20 federal law will be furnished by the district in connection with the  
21 project for flood control adopted and authorized in subdivision (a).

22 ~~(e)~~

23 (d) The district, in conjunction with the Department of the  
24 Army, shall carry out the plans and project and may make  
25 modifications and amendments to the plans as may be necessary  
26 to carry out the plans for the purposes of Chapter 1 (commencing  
27 with Section 12570) and this chapter.

28 ~~SEC. 2.~~

29 *SEC. 3.* The Legislature finds and declares that, because of the  
30 unique circumstances applicable only to ~~Murrieta Creek~~ *the*  
31 *Murrieta Creek Flood Control Project*, a statute of general  
32 applicability cannot be enacted within the meaning of subdivision  
33 (b) of Section 16 of Article IV of the California Constitution.  
34 Therefore, this special statute is necessary.

35 ~~SEC. 3.~~

36 *SEC. 4.* No reimbursement is required by this act pursuant to  
37 Section 6 of Article XIII B of the California Constitution because  
38 the only costs that may be incurred by a local agency or school  
39 district are the result of a program for which legislative authority  
40 was requested by that local agency or school district, within the



- 1 meaning of Section 17556 of the Government Code and Section
- 2 6 of Article XIII B of the California Constitution.

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