

**Introduced by Senator Hollingsworth**

January 14, 2003

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An act to add Sections 12749.93 and 12749.94 to the Water Code, relating to water development projects.

LEGISLATIVE COUNSEL'S DIGEST

SB 56, as introduced, Hollingsworth. Water development projects: Murrieta Creek Flood Control Project.

(1) 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 the upstream and downstream portions of 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.

(2) This bill would declare that, due to the special circumstances 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.

(3) 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  
19 multipurpose objectives, including flood control, habitat  
20 restoration, and enhanced recreational opportunities.

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

30 (f) The recreation and fish and wildlife enhancement features  
31 resulting from habitat restoration make the upstream reach of the  
32 Murrieta Creek Flood Control Project eligible for funding under  
33 Section 12847 of the Water Code.

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



1 12749.93. (a) The Murrieta Creek Flood Control Project  
2 from Winchester Road downstream through the city of Temecula,  
3 is adopted and authorized substantially in accordance with Public  
4 Law 106-377, enacted on October 27, 2000, and Water Code  
5 Section 12585.7, at an estimated cost to the state of the sum that  
6 may be appropriated by the Legislature for state cooperation, upon  
7 the recommendation and advice of the department, and in  
8 accordance with Section 12847.

9 (b) The Riverside County Flood Control and Water  
10 Conservation District shall give assurances, satisfactory to the  
11 Secretary of the Army, that the local cooperation required by  
12 federal law will be furnished by the district in connection with the  
13 project for flood control adopted and authorized in subdivision (a).

14 (c) The district, in conjunction with the Department of the  
15 Army, shall carry out the plans and project and may make  
16 modifications and amendments to the plans as may be necessary  
17 to carry out the plans for the purposes of Chapter 1 (commencing  
18 with Section 12570) and this chapter.

19 (d) The Riverside County Flood Control and Water  
20 Conservation District shall enter into an agreement with the  
21 department pursuant to which the district agrees to indemnify and  
22 hold and save the State, its officers, agents and employees  
23 harmless for any and all liability for damages that may rise out of  
24 the planning, design, construction, operation, maintenance, repair  
25 and rehabilitation of the project.

26 SEC. 3. Section 12749.94 is added to the Water Code, to read:

27 12749.94. (a) The recreation and fish and wildlife features of  
28 the Murrieta Creek Flood Control Project from Winchester Road  
29 upstream through the city of Murrieta to Tenaja Road are adopted  
30 and authorized for state participation pursuant to Section 12847 of  
31 the Water Code; however, the state shall not provide financial  
32 assistance for the flood control features of the upstream reach  
33 pursuant to Chapter 1 (commencing with Section 12570) and this  
34 chapter.

35 (b) The Riverside County Flood Control and Water  
36 Conservation District shall give assurances satisfactory to the  
37 Secretary of the Army that the local cooperation required by  
38 federal law will be furnished by the district in connection with the  
39 project for flood control adopted and authorized in subdivision (a).



1 (c) The district, in conjunction with the Department of the  
2 Army, shall carry out the plans and project and may make  
3 modifications and amendments to the plans as may be necessary  
4 to carry out the plans for the purposes of Chapter 1 (commencing  
5 with Section 12570) and this chapter.

6 (d) The Riverside County Flood Control and Water  
7 Conservation District shall enter into an agreement with the  
8 department pursuant to which the district agrees to indemnify and  
9 hold and save the State, its officers, agents and employees  
10 harmless for any and all liability for damages that may rise out of  
11 the planning, design, construction, operation, maintenance, repair  
12 and rehabilitation of the project.

13 SEC. 4. The Legislature finds and declares that, because of the  
14 unique circumstances applicable only to the Murrieta Creek Flood  
15 Control Project, a statute of general applicability cannot be  
16 enacted within the meaning of subdivision (b) of Section 16 of  
17 Article IV of the California Constitution. Therefore, this special  
18 statute is necessary.

19 SEC. 5. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 the only costs that may be incurred by a local agency or school  
22 district are the result of a program for which legislative authority  
23 was requested by that local agency or school district, within the  
24 meaning of Section 17556 of the Government Code and Section  
25 6 of Article XIII B of the California Constitution.

