

Senate Bill No. 1280

CHAPTER 616

An act to add Section 12670.11 to the Water Code, relating to water.

[Approved by Governor September 21, 2004. Filed
with Secretary of State September 21, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1280, Ortiz. Flood damage reduction: American River watershed.

Existing law provides for state cooperation with the federal government in the construction of specified flood control projects.

This bill would authorize the project for flood damage reduction and environmental restoration in the American River watershed in Sacramento County in accordance with Congressional approval and a specified final report, 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 or the Reclamation Board. The bill would require the Sacramento Area Flood Control Agency to enter into an agreement with the department pursuant to which the agency agrees to indemnify and hold and save harmless the state, its officers, agents, and employees for any and all liability for damages that may arise out of the planning, design, construction, operation, maintenance, repair, and rehabilitation of the project.

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

SECTION 1. The Legislature finds and declares that the recreation and fish and wildlife enhancement features resulting from habitat restoration make the project for flood damage reduction and environmental restoration in the American River watershed in Sacramento County eligible for funding in accordance with Section 12847 of the Water Code.

SEC. 2. Section 12670.11 is added to the Water Code, to read:

12670.11. (a) The project for flood damage reduction and environmental restoration in the American River watershed in Sacramento County is adopted and authorized substantially in accordance with Congressional approval and the final report of the Chief of Engineers dated November 5, 2002, as authorized by Section 128 of the Energy and Water Development Appropriations Act, 2004 (P.L.

108-137), 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 or the Reclamation Board.

(b) The Sacramento Area Flood Control Agency shall enter into an agreement with the department pursuant to which the agency agrees to indemnify and hold and save harmless the state, its officers, agents, and employees for any and all liability for damages that may arise out of the planning, design, construction, operation, maintenance, repair, and rehabilitation of the project.

o

