

CURRENT BILL STATUS

MEASURE : A.B. No. 2105  
AUTHOR(S) : Machado.  
TOPIC : Department of Water Resources: disaster operations.  
HOUSE LOCATION : SEN  
+LAST AMENDED DATE : 05/22/98

TYPE OF BILL :  
Active  
Non-Urgency  
Appropriations  
2/3 Vote Required  
Non-State-Mandated Local Program  
Fiscal  
Non-Tax Levy

LAST HIST. ACT. DATE: 05/27/98  
LAST HIST. ACTION : In Senate. Read first time. To Com. on RLS. for  
assignment.  
31 DAYS IN PRINT : 03/21/98

TITLE : An act to amend Section 8690.6 of the Government Code  
and to amend Section 128 of the Water Code, relating to  
water, and making an appropriation therefor.

AB 2105  
Page 1

ASSEMBLY THIRD READING  
AB 2105 (Machado)  
As Amended May 22, 1998  
2/3 vote

WATER, PARKS AND WILDLIFE 12-0 GOVERNMENTAL ORGANIZATION 15-0

<p>Ayes: Machado, Bowen, Cardenas Battin, Cardoza, Ducheny, Honda, Cardenas, Margett, Poochigian, Strom-Martin, Thomson, Torlakson, Woods</p>	<p>Ayes: Brown, Margett, Baca, Bordonaro, Brewer, Cardoza, Ducheny, Floyd, Granlund, Honda, Pringle, Vincent, Wright</p>
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APPROPRIATIONS 14-7

Ayes: Migden, Aguiar, Baca,  
Cardenas, Escutia, Hertzberg  
Kuehl, Machado, Papan,  
Shelley, Strom-Martin,  
Cedillo, Thomson, Washington

Nays: Ashburn, Ackerman, Brewer,  
Granlund, Olberg, Poochigian,  
Thompson

SUMMARY : Supplements flood response and recovery activities  
throughout the state. Specifically, this bill :

- 1) Creates within the Disaster Response-Emergency Operations Account the Department of Water Resources Emergency Subaccount and transfers \$5,000,000 from the Reserve for Economic Uncertainties to that subaccount to be expended by the Department of Water Resources (DWR) as determined to be necessary by the Director of Finance.
- 2) Extends the sunset date on which the provisions relating to the Disaster Response-Emergency Operations Account become inoperative from July 1999 to July 2010.
- 3) Allows DWR to encourage local flood control agencies to develop flood fight plans, to review these plans for accuracy, to act as a depository for these plans and to use the plans during a flood event.
- 4) Requires that any costs incurred by DWR in the preparation of the plan and in the performance of any work during a flood fight to protect the health, safety, convenience, and welfare of the general public be paid by the Disaster



BILL NUMBER: AB 2105 AMENDED  
BILL TEXT

AMENDED IN ASSEMBLY MAY 22, 1998  
AMENDED IN ASSEMBLY APRIL 13, 1998

INTRODUCED BY Assembly Member Machado

FEBRUARY 18, 1998

An act to amend Section 8690.6 of the Government Code and to amend Section 128 of the Water Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2105, as amended, Machado. Department of Water Resources: disaster operations.

Existing law authorizes the Department of Water Resources to perform work in times of stress and disaster resulting from storms and floods or where damage to watershed lands by forest fires has created an imminent threat of floods and damage by water, mud, or debris upon the occurrence of storms, to avert or repair property damage and to protect the public safety, as prescribed.

Existing law creates the Disaster Response-Emergency Operations Account in the Reserve for Economic Uncertainties and continuously appropriates the money in the account, subject to certain limitations, for allocation by the Director of Finance to state agencies for disaster response operation costs, as specified. Under existing law, this provision and related provisions become inoperative on July 1, 1999, and are repealed on January 1, 2000.

This bill would expand that authority of the department to authorize work in times of stress and disaster where levees or other flood control structures are in danger of failure. The bill would authorize the department to encourage the development of flood-fighting plans by local flood control agencies by outlining specified flood-fighting strategies, reviewing those plans for consistency and technical appropriateness, and acting as a central depository for plans. The bill would authorize the department to use flood-fighting plans for responding to the threatened failure, or the failure, of a levee or other flood control structure.

The bill would create in the Disaster Response-Emergency Operations Account the Department of Water Resources Emergency Subaccount. The bill would transfer \$ ~~10,000,000~~ ~~\$5,000,000~~ from the ~~General Fund~~ Reserve for Economic Uncertainties to the subaccount and ~~continuously~~ appropriate the money in the subaccount to the department to pay for certain work undertaken in times of stress and disaster, upon transfer of those funds to the department by the director, as ~~described~~ the director determined to be necessary for those purposes. The bill would provide that specified costs of the department shall be paid from money available for that purpose in the account or subaccount. The bill would extend the date on which the provisions relating to the Disaster Response-Emergency Operations Account and related provisions become inoperative to July 1, 2010, and the date on which those provisions are repealed to January 1, 2011.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

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

SECTION 1. Section 8690.6 of the Government Code is amended to read:

8690.6. (a) There is hereby established in the Reserve for Economic Uncertainties a Disaster Response-Emergency Operations Account. Notwithstanding Section 13340, moneys in the account are continuously appropriated, subject to the limitations specified in subdivisions (c) and (d), without regard to fiscal years, for allocation by the Director of Finance to state agencies for disaster response operation costs incurred by state agencies as a result of a state of emergency proclamation by the Governor. These allocations may be for response activities, defined as any activity occurring within 365 days of a declaration of emergency by the Governor, or for recovery activities, defined as any activity occurring after the 365th day of a declaration of emergency by the Governor.

(b) (1) It is the intent of the Legislature that the Disaster Response-Emergency Operations Account have an unencumbered balance of one million dollars (\$1,000,000) at the beginning of each fiscal year. In the event that this account requires additional moneys to meet claims against the account, the Director of Finance may transfer moneys from the Special Fund for Economic Uncertainties to the account in that amount sufficient to pay the amount of the claims that exceed the unencumbered balance in the account.

(2) There is hereby created in the Disaster Response-Emergency Operations Account the Department of Water Resources Emergency Subaccount. ~~The sum of ten million dollars (\$10,000,000) is hereby transferred from the General Fund to the subaccount. Notwithstanding Section 13340, and any other provision of this section, the money in the subaccount is hereby continuously appropriated, without regard to fiscal years, to the Department of Water Resources to pay for actions undertaken pursuant to Section 128 of the Water Code.~~ Subaccount. The sum of five million dollars (\$5,000,000) is hereby transferred from the Reserve for Economic Uncertainties to the subaccount. The money in the subaccount may be expended by the Department of Water Resources to pay for actions undertaken pursuant to Section 128 of the Water Code, upon transfer of those funds to the department by the Director of Finance, as determined to be necessary for those purposes.

(c) For response activities, as defined, the funds shall be allocated subject to the conditions of this section and in accordance with Section 27.00 of the annual Budget Act, except that the allocations may be made 30 days or less after notification of the Legislature pursuant to subdivision (b) of that section.

(d) For recovery activities, as defined, the funds shall be allocated subject to the conditions of this section and in accordance with all subdivisions of Section 27.00 of the annual Budget Act, and shall include the Department of Finance's determination as to whether the expenditure for which the allocation is to be made was previously proposed at some point in the legislative consideration of the annual Budget Bill and was not approved and, if the expenditure was not approved, for what reasons.

(e) Notwithstanding subdivision (a) of Section 27.00 of the annual Budget Act, authorizations for acquisitions, relocations, and environmental mitigations related to response or recovery activities, as defined in subdivision (a), shall be authorized pursuant to this section. However, these funds may only be authorized for needs that are a direct consequence of the declared emergency, directly related to the January 1997 floods or any flood-related emergency that is declared by the Governor on or before January 1, 1999, where failure to undertake the project may interrupt essential state services or jeopardize public health or safety. In addition, any acquisition accomplished under this subdivision shall comply with any otherwise applicable law, except as provided in the first sentence of this

subdivision.

(f) No funds allocated under this section shall be used to supplant federal funds otherwise available in the absence of state financial relief.

(g) The amount of financial assistance provided to an individual, business, or governmental entity under this section, or pursuant to any other program of state-funded disaster assistance, shall be deducted from sums received in payment of damage claims asserted against the state, its agents, or employees, for causing or contributing to the effects of the proclaimed disaster.

(h) No public entity administering disaster assistance to individuals shall receive funds under this section unless it administers that assistance pursuant to the following criteria:

(1) All applications, forms, and other written materials presented to persons seeking assistance shall be available in English and in the same language as that used by the major non-English-speaking group within the disaster area.

(2) Bilingual staff who reflect the demographics of the disaster area shall be available to applicants.

(i) The Legislature finds and declares that the amendments made to subdivision (c) by Chapter 16 of the Statutes of 1986 declare the intent of the Legislature at the time when this section was originally added to this code by Chapter 1562 of the Statutes of 1985.

(j) This section shall become inoperative on July 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 128 of the Water Code is amended to read:

128. (a) In times of extraordinary stress and of disaster, resulting from storms and floods, or where levees or other flood control structures are in danger of failure, or where damage to watershed lands by forest fires has created an imminent threat of floods and damage by water, mud, or debris upon the occurrence of storms, the department may perform any work required or take any remedial measures necessary to avert, alleviate, repair, or restore damage or destruction to property having a general public and state interest and to protect the health, safety, convenience, and welfare of the general public of the state. In carrying out that work, the department may perform the work itself or through or in cooperation with any other state department or agency, the federal government, or any political subdivision, city, or district.

(b) The department may do all of the following:

(1) Encourage the development of flood-fighting plans by local flood control agencies by outlining flood-fighting strategies for preventing the failure of levees or other flood control structures and for mitigating the impact of flooding if a levee or other flood control structure fails.

(2) Review flood-fighting plans prepared by local flood control agencies for consistency and technical appropriateness.

(3) Act as a central depository for flood-fighting plans prepared by local flood control agencies.

(4) Use flood-fighting plans prepared by local flood control agencies for responding to the threatened failure, or the failure, of a levee or other flood control structure pursuant to subdivision (a) and under the Standardized Emergency Management System Regulations (Chapter 1 (commencing with Section 2400) of Division 2 of Title 19 of the California Code of Regulations).

(c) The costs of the department that are incurred pursuant to this section shall be paid from money available for that purpose in the Disaster Response-Emergency Operations Account in the Reserve for Economic Uncertainties or in the Department of Water Resources Emergency Subaccount in that account.

(d) This section is intended to supplement the emergency services of the state, and nothing in this section overrides or supersedes the

authority of the Director of the Office of Emergency Services to coordinate and supervise state action, upon a declaration of a state of emergency, under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) or the Natural Disaster Assistance Act (Chapter 7.5 (commencing with Section 8680) of that division).