

AMENDED IN SENATE MARCH 15, 2011

AMENDED IN SENATE MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 95**

---

---

**Introduced by Assembly Member Brownley Committee on Budget**

January 10, 2011

---

---

An act to amend Sections 19606.1, 19607.5, 19608.3, 19620.1, and 19627.5 of, to amend and renumber Sections 19621.1, 19621.3, 19622.1, 19622.2, 19622.3, 19622.4, 19630.5, and 19639 of, and to repeal Sections 19606.3, 19606.4, 19620.2, 19621, 19621.2, 19630, 19632.5, 19632.6, 19635, 19638, and 19638.5 of, the Business and Professions Code, to add Section 25359.21 to the Health and Safety Code, to add Section 5007 to the Public Resources Code, to add Section 326 to the Public Utilities Code, to amend Section 8352.6 of the Revenue and Taxation Code, to amend Section 13260 of the Water Code, and to amend Section 27 of Chapter 718 of the Statutes of 2010, relating to public resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 95, as amended, *Brownley Committee on Budget*. Public resources.

(1) Existing law establishes the Fair and Exposition Fund for the purpose of allocating moneys to provide financial support for the network of California fairs. Existing law requires that \$32,000,000 be transferred annually from the General Fund to the credit of a separate account of the fund. Existing law provides that the revenues in that separate account are continuously appropriated to the Department of

Food and Agriculture for specified purposes. In addition, existing law requires the deposit of \$10,000,000 of the license fees for horse racing meetings into the fund and continuously appropriates those funds to the 51st District Agricultural Association for specified purposes.

This bill would repeal that annual transfer from the General Fund and those other provisions and make related changes.

(2) Existing law requires specified revenues received by the California Horse Racing Board to be deposited into the State Treasury to the credit of the Fair and Exposition Fund. Existing law provides that, in addition to those moneys deposited in the fund, the Legislature shall appropriate, and the board shall deposit in the fund, sums deemed necessary for the support of the board, as specified, and to the department for oversight of the network of California fairs, for contributions to the Unemployment Fund by the network of fairs, and for auditing of specified fairs. Any unallocated balance of revenues received by the board is continuously appropriated for allocation by the Secretary of Food and Agriculture for capital outlay to California fairs for specified projects or for general operational support.

This bill would repeal those provisions relating to revenues received by the board and would instead provide that, from revenue received by the department, the Legislature shall appropriate to the department sums deemed necessary for oversight of the network of California fairs and for auditing of specified fairs.

(3) Existing law requires the Secretary of Food and Agriculture to annually project the available revenues from the fund described above, and to prepare an annual expenditure plan for funds available from the fund. Existing law also requires the secretary to prepare and submit to the Department of Finance an estimate of the contributions, or the cost of benefits in lieu of contributions, payable to the Unemployment Fund by all California fairs, as specified.

This bill would delete those provisions. The bill would also make technical changes.

~~(4) Existing law authorizes the Department of Toxic Substances Control to compel a responsible party to take or pay for appropriate removal or remediation action necessary to protect public health and safety and the environment at the Santa Susana Field Laboratory (SSFL) site in Ventura County. The sale, lease, sublease, or other transfer of any land presently or formerly occupied by the Santa Susana Field Laboratory is prohibited unless the Director of Toxic Substances Control~~

~~certifies that the land has undergone complete remediation pursuant to specified protective standards.~~

~~This bill would provide that an administrative order on consent for the site, signed on December 6, 2010, between the department and the United States Department of Energy and a similar order between the department and the National Aeronautics and Space Administration, constitute the cleanup requirements and obligations for that portion of the site that is subject to those administrative orders and would require the administrative orders to result in the cleanup of the soil so that the level of radiological or chemical contaminants in the soil does not exceed local background levels, except as specified. The bill would require the department to enforce the administrative orders and the transfer prohibitions imposed on that site.~~

~~(5)–~~

(4) Under existing law, the Department of Parks and Recreation has control of the state park system. The existing Tort Claims Act provides for the liability and immunity of a governmental entity for its acts or omissions that cause harm to persons.

This bill would require the Department of Parks and Recreation to achieve any required budget reductions by closing, partially closing, and reducing services at selected units of the state park system and would require the department to select the units to be closed based solely on specified factors.

The bill would provide immunity to a public entity and a public employee for injury or damage either caused by a condition of public property in or otherwise occurring at a state park system unit that is designated as closed, partially closed, or subject to service reduction by the department pursuant to these provisions.

~~(6)–~~

(5) Under existing law, the Public Utilities Commission has regulatory authority over public utilities, as defined. Existing law requires the commission, by January 10 of each year, to report to the Joint Legislative Budget Committee and appropriate fiscal and policy committees of the Legislature, on all sources and amounts of funding and actual and proposed expenditures related to specified entities or programs established by the commission. Existing law requires the commission to adopt an updated Conflict of Interest Code and Statement of Incompatible Activities.

This bill would require that the commission, by January 10 of each year, report to the Joint Legislative Budget Committee and appropriate

fiscal and policy committees of the Legislature, on all sources and amounts of funding and actual and proposed expenditures related to interactions by the commission, its officers, or its staff with the California Public Utilities Commission Foundation. The bill would require that within 8 weeks of any contribution to the foundation made at the behest of a member of the commission, its officers, or its staff, that the commission report the contribution to the Joint Legislative Budget Committee and appropriate fiscal and policy committees of the Legislature and include a certification that the contribution does not violate the Conflict of Interest Code and Statement of Incompatible Activities.

~~(7)~~

(6) Existing law requires certain moneys on the first day of every month to be transferred from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund that are attributable to taxes imposed upon distribution of motor vehicle fuel related to specified off-highway motor vehicles and off-highway vehicle activities. The moneys in the fund are required to be used, upon appropriation, for specified purposes related to off-highway motor vehicle recreation.

This bill would require the Controller to withhold \$833,000 from this monthly transfer, and transfer that amount to the General Fund.

~~(8)~~

(7) The Porter-Cologne Water Quality Control Act, with certain exceptions, requires a waste discharger to pay an annual fee established by the State Water Resources Control Board. The act requires the total amount of fees collected to equal that amount necessary to recover certain costs relating to the administration of waste discharge requirements. Revenues generated by the imposition of the fee are deposited in the Waste Discharge Permit Fund for expenditure, upon appropriation by the Legislature, for specified water quality purposes.

This bill, for the purpose of calculating the annual fee, would authorize recoverable costs to also include costs incurred by the State Water Resources Control Board and the California regional water quality control boards in the adoption, review, and revision of water quality control plans and state policies for water quality control.

~~(9)~~

(8) The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council, which is required to develop, adopt, and commence implementation of a comprehensive management plan for the Delta (Delta Plan) by January 1, 2012. The act provides

that the council is the successor to the California Bay-Delta Authority, which previously was required to carry out programs, projects, and activities to implement the CALFED Bay-Delta Program with other implementing agencies.

Existing law requires the Governor, on or before April 1, 2011, to submit to the Legislature a report on the budget for the 2011–12 fiscal year for all state agency programs that implement water and ecosystem restoration activities in the Sacramento-San Joaquin Delta using a zero-based budget methodology, as defined. Existing law requires that budget to complement the budget for the CALFED Bay-Delta Program, and requires all state expenditures reported in the budget for the CALFED Bay-Delta Program for the 2011–12 fiscal year to be reported using a zero-based budget methodology.

This bill would require the Governor to submit the report on the budget using zero-based budget methodology for the 2012–13 fiscal year, instead of the 2011–12 fiscal year, and would require that report to be submitted to the Legislature by April 1, 2012, instead of April 1, 2011. The bill would additionally require the council, in developing a zero-based budget for these purposes, to conduct a programmatic review of CALFED Bay-Delta Program expenditures for consistency with the Delta Plan.

~~(10)~~

(9) The bill would appropriate \$1,000 from the General Fund to the Department of Parks and Recreation for administrative costs.

~~(11)~~

(10) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. Governor Schwarzenegger issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010. Governor Brown issued a proclamation on January 20, 2011, declaring and reaffirming that a fiscal emergency exists and stating that his proclamation supersedes the earlier proclamation for purposes of that constitutional provision.

This bill would state that it addresses the fiscal emergency declared and reaffirmed by the Governor by proclamation issued on January 20, 2011, pursuant to the California Constitution.

~~(12)~~

(11) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~(13)~~

(12) This bill would declare that it is to take effect immediately as an urgency statute.

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

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

1 SECTION 1. Section 19606.1 of the Business and Professions  
2 Code is amended to read:

3 19606.1. (a) All license fees from satellite wagering that are  
4 deposited in the Fair and Exposition Fund shall be deposited in a  
5 separate account in the fund and, notwithstanding Section 13340  
6 of the Government Code, are continuously appropriated from that  
7 account to the Department of Food and Agriculture, for allocation  
8 by the Secretary of Food and Agriculture, at his or her discretion,  
9 for the purposes set forth in paragraphs (1) to (6), inclusive. The  
10 concurrence of the Director of Finance shall be required for  
11 allocations pursuant to paragraphs (1) and (2). Allocations pursuant  
12 to paragraphs (3) to (6), inclusive, shall be made with the  
13 concurrence of the Joint Committee on Fairs Allocation and  
14 Classification.

15 (1) For the repayment of the principal of, interest on, and costs  
16 of issuance of, and as security, including any coverage factor,  
17 pledged to the payment of, bonds issued or to be issued by a joint  
18 powers agency or other debt service or expense, including  
19 repayment of any advances made or security required by any  
20 provider of credit enhancement or liquidity for those bonds or  
21 other indebtedness or expenses of maintaining that credit  
22 enhancement or liquidity, incurred for the purpose of constructing  
23 or acquiring improvements at a fair’s racetrack inclosure, satellite  
24 wagering facilities at fairs, health and safety repair projects, or  
25 handicapped access compliance projects at fairs or for the purpose  
26 of refunding bonds or other indebtedness incurred for those  
27 purposes. As used in this paragraph, “coverage factor” means  
28 revenues in excess of the amount necessary to pay debt service on  
29 the bonds or other indebtedness, up to an amount equal to 100  
30 percent more than the amount of that debt service, which a joint  
31 powers agency, pursuant to the resolution or indenture under which  
32 the bonds or other indebtedness are or will be issued, pledges as  
33 additional security for the payment of that debt service or is

1 required to have or maintain as a condition to the issuance of  
2 additional bonds or other indebtedness. Notwithstanding any other  
3 provision of law, the department may also commit any funds  
4 available for allocation under Article 10 (commencing with Section  
5 19620) to complete projects funded under this paragraph in the  
6 priority described in this paragraph.

7 (2) For payment to the State Race Track Leasing Commission  
8 to be pledged for the repayment of debt necessary to construct a  
9 racetrack grandstand at the 22nd District Agricultural Association  
10 fairgrounds. This payment shall be made only if the Secretary of  
11 Food and Agriculture determines, annually, that all other pledged  
12 revenues have been applied to the repayment of that debt and have  
13 been determined by the secretary to be inadequate for that purpose.

14 (3) For the payment of expenses incurred in establishing and  
15 operating satellite wagering facilities at fairs.

16 (4) For the support of an equipment and operating fund to  
17 produce and display a consolidated California signal at satellite  
18 wagering facilities and fairs.

19 (5) For health and safety repair projects at fairs, which includes  
20 fire and life safety improvement projects, California Code of  
21 Regulations compliance projects, and long-term deferred  
22 maintenance projects.

23 (6) For the development and payment of revenue generating  
24 projects, the establishment of pilot projects to restructure the  
25 current fair system, and for projects realizing a cost savings for  
26 more efficient utilization of existing fair resources.

27 (b) The Secretary of Food and Agriculture may not make an  
28 allocation for purposes of paragraphs (2) to (6), inclusive, of  
29 subdivision (a) until the payments required in any fiscal year  
30 pursuant to paragraph (1) of subdivision (a) have been funded.

31 (c) Pursuant to subdivision (a), the Joint Committee on Fairs  
32 Allocation and Classification shall review and concur, or not  
33 concur, with the secretary's determination of the allocations to be  
34 made pursuant to paragraphs (3) to (6), inclusive, of subdivision  
35 (a) in total, and the committee may not add to, or delete projects  
36 or line items from, the proposed allocations.

37 (d) Approval of the Joint Committee on Fairs Allocation and  
38 Classification is deemed complete when one of the following  
39 conditions is met:

40 (1) The annual budget act is enacted.

1 (2) If the secretary's recommendations are received by the Joint  
2 Committee on Fairs Allocation and Classification after the  
3 enactment of the annual budget act, the recommendations shall be  
4 deemed approved 30 days after they are received unless they are  
5 rejected by the committee.

6 (e) If the Joint Committee on Fairs Allocation and Classification  
7 does not concur with the secretary's recommendations, the  
8 secretary may submit another set of recommendations to the  
9 committee pursuant to this section.

10 (f) The payments required in any fiscal year for the purposes  
11 of paragraphs (1) to (3), inclusive, of subdivision (a) shall be made  
12 before any transfer is made pursuant to subdivision (g).

13 (g) Except as otherwise provided in subdivision (f), if the  
14 revenues deposited in the separate account exceed eleven million  
15 dollars (\$11,000,000) in any fiscal year, the amount in excess of  
16 eleven million dollars (\$11,000,000) shall be transferred to the  
17 Fair and Exposition Fund for allocation in accordance with Section  
18 19620.1.

19 (h) All of the costs of administering the account created by  
20 subdivision (a) shall be charged to the account.

21 SEC. 2. Section 19606.3 of the Business and Professions Code  
22 is repealed.

23 SEC. 3. Section 19606.4 of the Business and Professions Code  
24 is repealed.

25 SEC. 4. Section 19607.5 of the Business and Professions Code  
26 is amended to read:

27 19607.5. (a) Notwithstanding any other provision of law, if  
28 both a fair and a thoroughbred association are licensed by the board  
29 to conduct live racing meetings within the northern zone during  
30 the same calendar period, signals of both racing programs shall be  
31 accepted at each live racing meeting within the northern zone and  
32 at all satellite wagering facilities eligible to receive these programs.

33 (b) Notwithstanding any other provision of law, in order to  
34 ensure that fairs which previously had an exclusive right to send  
35 their signals to satellite wagering facilities in the northern zone  
36 during periods of overlap do not lose commission revenues from  
37 satellite wagering, each fair that conducts its meeting during the  
38 period described in subdivision (a) shall receive the following  
39 satellite wagering commissions:

1 (1) With respect to the 2nd District Agricultural Association in  
2 Stockton, the commissions payable to the fair from satellite  
3 wagering during the period described in subdivision (a) shall be  
4 the greater of any of the following:

5 (A) The actual commission earned by the fair from satellite  
6 wagering on its live races during that period.

7 (B) Fifty percent of the total combined satellite wagering  
8 commissions payable to the thoroughbred association and the fair  
9 during that period.

10 (C) One hundred ten percent of the satellite wagering  
11 commissions paid to the fair during its live racing meeting in 1990.

12 If the satellite wagering commissions received by the 2nd District  
13 Agricultural Association are less than the greater of the amounts  
14 specified in subparagraph (B) or (C), the thoroughbred association  
15 shall pay to the fair from amounts deducted from satellite wagering  
16 on its meeting and before distribution of any satellite wagering  
17 commissions and purses on its meeting, an amount equal to the  
18 difference between the actual satellite wagering commissions  
19 received by the fair in that year and the applicable amount from  
20 subparagraph (B) or (C). No additional satellite wagering  
21 commission shall be paid to the fair by an association unless the  
22 fair conducts live racing during the period described in subdivision  
23 (a).

24 (2) With respect to the California Exposition and State Fair in  
25 Sacramento, the commissions payable to the fair from satellite  
26 wagering during the period described in subdivision (a) shall be  
27 the greater of either of the following:

28 (A) The actual commission earned by the fair from satellite  
29 wagering on its live races during that period.

30 (B) Sixty percent of the total combined satellite wagering  
31 commissions payable to the thoroughbred association and the fair  
32 during that period.

33 If the satellite wagering commissions received by the California  
34 Exposition and State Fair are less than the amount described in  
35 (B), the thoroughbred association shall pay to the fair from amounts  
36 deducted from satellite wagering on its meeting and before  
37 distribution of any satellite wagering commissions and purses on  
38 its meeting, an amount equal to the difference between the actual  
39 satellite wagering commissions received by the fair in that year  
40 and the amount described in (B). No additional satellite wagering

1 commission shall be paid to the fair by an association unless the  
2 fair conducts live racing during the period described in subdivision  
3 (a).

4 (c) During any periods described in subdivision (a), including  
5 periods of overlap for fairs not specified in subdivision (b), the  
6 thoroughbred association shall deduct the same percentage from  
7 the total amount wagered in its daily conventional and exotic  
8 parimutuel pools as the percentage deducted by the fair meeting.  
9 The amounts deducted shall be distributed as otherwise provided  
10 in this article, with the following exceptions:

11 (1) If the percentages deducted from the conventional and exotic  
12 parimutuel pools of the thoroughbred association under this  
13 subdivision exceed the percentages deducted from the association's  
14 pools during periods other than those described under subdivision  
15 (a), the amount deducted which is equivalent to the difference  
16 between those percentages shall be distributed by the thoroughbred  
17 association equally between commissions and purses.

18 (2) If a thoroughbred association and the 2nd District  
19 Agricultural Association in Stockton or the California Exposition  
20 and State Fair in Sacramento both conduct live racing meetings  
21 during any period described in subdivision (a), the total amount  
22 deducted shall be distributed by both the association and fair in  
23 the percentages specified for fair meetings in subdivision (b) of  
24 Section 19605.7.

25 This subdivision does not require any portion of the additional  
26 deduction to be distributed pursuant to subdivision (c) of Section  
27 19614.

28 (d) Notwithstanding any other law, an association and fair that  
29 conduct their meeting pursuant to subdivision (b) shall combine  
30 the operating expenses incurred at satellite wagering facilities  
31 during the period described in subdivision (a). For purposes of this  
32 subdivision only, the combined satellite wagering operating  
33 expenses of the association and the fair during the period described  
34 in subdivision (a) shall not exceed the actual expenses, or 6 percent  
35 of the combined parimutuel pool at satellite wagering facilities,  
36 whichever amount is less.

37 SEC. 5. Section 19608.3 of the Business and Professions Code  
38 is amended to read:

39 19608.3. (a) Funds allocated by the Secretary of Food and  
40 Agriculture pursuant to paragraph (5) of subdivision (a) of Section

1 19606.1 for fire and life safety improvement projects, California  
2 Code of Regulations compliance projects, and long-term deferred  
3 maintenance projects at fairs in the northern zone shall be allocated  
4 in accordance with a project schedule determined by the  
5 Department of Food and Agriculture in compliance with this  
6 section.

7 (b) The department shall prepare a three-year schedule of these  
8 projects which commences July 1, 1987, and shall annually update  
9 the schedule. The schedule shall list individual project costs,  
10 contain a project description, and specify estimated project  
11 completion dates.

12 SEC. 6. Section 19620.1 of the Business and Professions Code  
13 is amended to read:

14 19620.1. From the total revenue received by the department,  
15 exclusive of money received pursuant to Sections 19640 and 19641,  
16 the Legislature shall annually appropriate to the department those  
17 sums as it deems necessary for the following purposes:

18 (a) For the oversight of the network of California fairs receiving  
19 money from the fund.

20 (b) For the auditing of all district agricultural association fairs,  
21 county fairs, and citrus fruit fairs.

22 SEC. 7. Section 19620.2 of the Business and Professions Code  
23 is repealed.

24 SEC. 8. Section 19621 of the Business and Professions Code  
25 is repealed.

26 SEC. 9. Section 19621.1 of the Business and Professions Code  
27 is amended and renumbered to read:

28 19621. Notwithstanding any other law, neither the state nor  
29 the Department of Food and Agriculture is liable for any contract  
30 or tort of, or any action taken or any failure to act by, any fair in  
31 the network of California fairs that does not comply with the  
32 requirements of Section 19622.2.

33 No member of the fair board, or any employee or agent thereof,  
34 is personally liable for the contracts or actions of the fair board,  
35 and no member of the fair board or employee or agent thereof is  
36 responsible individually in any way to any other person for error  
37 in judgment, mistakes, or other acts, either of commission or  
38 omission, as principal, agent, or employee, except for his or her  
39 own individual acts of dishonesty or crime. No member of the fair  
40 board shall be held responsible individually for any act or omission

1 of any other member of the fair board. The liability of the members  
2 of the fair board is several and not joint, and no member is liable  
3 for the default of any other member.

4 SEC. 10. Section 19621.2 of the Business and Professions  
5 Code is repealed.

6 SEC. 11. Section 19621.3 of the Business and Professions  
7 Code is amended and renumbered to read:

8 19621.1. (a) The Secretary of Food and Agriculture shall  
9 prepare and submit to the Department of Finance an estimate of  
10 revenue to be deposited in the fund and allocations to be made  
11 from the fund for each fiscal year.

12 The Director of Finance may authorize short-term, cash-flow  
13 loans from the unappropriated surplus of the General Fund to the  
14 Fair and Exposition Fund if all of the following conditions are  
15 met:

16 (1) The loan will be repaid during the same fiscal year in which  
17 it is made.

18 (2) No loan exceeds the amount remaining to be allocated in  
19 any fiscal year or 75 percent of the revenue estimated to be  
20 deposited in the Fair and Exposition Fund during the remainder  
21 of the fiscal year.

22 (b) The Secretary of Food and Agriculture shall notify the  
23 Controller when loans under this section are no longer required  
24 and any unnecessary loan funds shall be returned to the General  
25 Fund.

26 SEC. 12. Section 19622.1 of the Business and Professions  
27 Code is amended and renumbered to read:

28 19622. (a) In order to maintain their eligibility to receive funds  
29 or to utilize state assets, the fairs specified in Section 19418 shall  
30 do all of the following:

31 (1) File an annual statement of operations with the Department  
32 of Food and Agriculture.

33 (2) Conduct an annual fair that includes agriculture and other  
34 community-relevant exhibits and competitions.

35 (b) The Department of Food and Agriculture may withhold or  
36 restrict allocations to fairs that do not comply with this section or  
37 the fiscal standards or administrative standards established by the  
38 department. The department shall establish an appeal process for  
39 fairs regarding funds that are withheld or restricted.

1 SEC. 13. Section 19622.2 of the Business and Professions  
2 Code is amended and renumbered to read:

3 19622.1. (a) The authority of the Department of Food and  
4 Agriculture shall include, but is not limited to, requiring the  
5 California Exposition and State Fair to meet all applicable  
6 standards prescribed by the department.

7 (b) The department may delegate approval authority for such  
8 matters as the department may determine to the Board of Directors  
9 of the California Exposition and State Fair if the fair complies with  
10 this section.

11 (c) Notwithstanding any other law, the department may assume  
12 all rights, duties, and powers of the Board of Directors of the  
13 California Exposition and State Fair if the department determines  
14 there is insufficient fiscal or administrative control. The board of  
15 directors shall again exercise these rights, duties, and powers when  
16 the department determines that the fair has been restored to  
17 solvency and is in compliance with this section.

18 (d) The department may petition a court of competent  
19 jurisdiction for an order appointing the department, or a person  
20 designated by the department, as a receiver if it determines that  
21 the California Exposition and State Fair is insolvent, or is in  
22 imminent danger of insolvency. The court shall appoint a receiver  
23 upon showing that the fair is insolvent, or is in imminent danger  
24 of insolvency.

25 (e) For the purposes of this section, “insolvency” means that  
26 the California Exposition and State Fair is unable to discharge its  
27 debts as they become due in the usual course of business.

28 (f) The General Fund and the Fairs and Exposition Fund shall  
29 be held harmless from any debts, liabilities, settlements, judgments,  
30 or liens incurred by the California Exposition and State Fair,  
31 including any deficiency in operating funds.

32 SEC. 14. Section 19622.3 of the Business and Professions  
33 Code is amended and renumbered to read:

34 19622.2. (a) The authority of the Department of Food and  
35 Agriculture shall include, but is not limited to, requiring district  
36 agricultural associations to meet all applicable standards prescribed  
37 by the Department of Food and Agriculture.

38 (b) The department may delegate approval authority for such  
39 matters as the department may determine to the board of directors  
40 if the board complies with this section. The department shall report

1 annually to the Joint Committee on Fairs Allocation and  
2 Classification the names of fairs that are delegated that authority.

3 (c) Notwithstanding any other law, and in order to protect the  
4 integrity of the Fair and Exposition Fund, the department may  
5 assume any or all rights, duties, and powers of the board of  
6 directors of a district agricultural association if the department  
7 reasonably determines that there is insufficient fiscal or  
8 administrative control. The board of directors shall again exercise  
9 these rights, duties, and powers when the department determines  
10 that the fair is in compliance with this section. The department  
11 shall report annually to the Joint Committee on Fairs Allocation  
12 and Classification the names of fairs with respect to which the  
13 department has taken the action prescribed in this subdivision and  
14 subdivision (d).

15 (d) The department may petition a court of competent  
16 jurisdiction for an order appointing the department, or a person  
17 designated by the department, as a receiver if it determines that  
18 the fair is insolvent, or is in imminent danger of insolvency. The  
19 court shall appoint a receiver upon a showing that the fair is  
20 insolvent, or is in imminent danger of insolvency.

21 (e) For the purposes of this section, “insolvency” means that  
22 the district agricultural association is unable to discharge its debts  
23 as they become due in the usual course of business.

24 SEC. 15. Section 19622.4 of the Business and Professions  
25 Code is amended and renumbered to read:

26 19622.3. The authority of the Department of Food and  
27 Agriculture shall include, but is not limited to, requiring county  
28 fairs and citrus fruit fairs to do all of the following:

29 (a) Meet all applicable standards prescribed by the Department  
30 of Food and Agriculture.

31 (b) Submit to the department for review and approval every five  
32 years a written agreement specifying the operational, financial,  
33 and administrative responsibilities between the entity producing  
34 the fair and the host county, or the host agency.

35 SEC. 16. Section 19627.5 of the Business and Professions  
36 Code is amended to read:

37 19627.5. Notwithstanding Section 19623, any unanticipated  
38 revenues, other than any allocation from the state, which are in  
39 excess of the approved budget for any fiscal or calendar year of  
40 any California fair shall be retained by that fair.

1 These funds may be expended, without regard to any fiscal year,  
2 by any fair to which Section 19623 applies, upon approval by the  
3 board of directors of that fair, which shall be recorded in the official  
4 minutes of the fair approving a plan of expenditure.

5 SEC. 17. Section 19630 of the Business and Professions Code  
6 is repealed.

7 SEC. 18. Section 19630.5 of the Business and Professions  
8 Code is amended and renumbered to read:

9 19630. Notwithstanding any other law, any fair qualified to  
10 receive an allocation that has complied with the requirements set  
11 forth in subdivision (b) of Section 19622, with the approval of the  
12 Department of Food and Agriculture, may expend available funds  
13 for the construction or operation of recreational and cultural  
14 facilities of general public interest.

15 SEC. 19. Section 19632.5 of the Business and Professions  
16 Code is repealed.

17 SEC. 20. Section 19632.6 of the Business and Professions  
18 Code is repealed.

19 SEC. 21. Section 19635 of the Business and Professions Code  
20 is repealed.

21 SEC. 22. Section 19638 of the Business and Professions Code  
22 is repealed.

23 SEC. 23. Section 19638.5 of the Business and Professions  
24 Code is repealed.

25 SEC. 24. Section 19639 of the Business and Professions Code  
26 is amended and renumbered to read:

27 19638. The books and records of any county or citrus fruit fair  
28 or exposition receiving an appropriation or an allocation from the  
29 Fair and Exposition Fund, insofar as they relate to revenues and  
30 expenditures for fair or exposition purposes, may be audited by  
31 the Department of Finance.

32 When any county or citrus fruit fair or exposition receiving an  
33 appropriation or allocation from the Fair and Exposition Fund  
34 contracts with an association to conduct such fair or exposition,  
35 the contract shall include a provision that the books and records  
36 of such association shall be subject to audit by the Department of  
37 Finance at the discretion of the department.

38 ~~SEC. 25. Section 25359.21 is added to the Health and Safety~~  
39 ~~Code, to read:~~

1     ~~25359.21. (a) The Legislature finds and declares that on~~  
 2     ~~December 6, 2010, an administrative order on consent was signed~~  
 3     ~~between the United States Department of Energy and the~~  
 4     ~~department, and a similar administrative order on consent was~~  
 5     ~~signed between the department and the National Aeronautics and~~  
 6     ~~Space Administration, for a remedial action on portions of the~~  
 7     ~~Santa Susana Field Laboratory site.~~

8     ~~(b) For purposes of this section, the following definitions shall~~  
 9     ~~apply:~~

10    ~~(1) “Administrative order” means an administrative order on~~  
 11    ~~consent signed on December 6, 2010, between the United States~~  
 12    ~~Department of Energy and the department for a remedial action~~  
 13    ~~to the site, the similar administrative order on consent signed on~~  
 14    ~~December 6, 2010, between the department and the National~~  
 15    ~~Aeronautics and Space Administration.~~

16    ~~(2) “Site” means the Santa Susana Field Laboratory site in~~  
 17    ~~Ventura County.~~

18    ~~(c) An administrative order shall constitute the cleanup~~  
 19    ~~requirements and obligations for the portion of the site that is~~  
 20    ~~subject to that administrative order.~~

21    ~~(d) An administrative order shall result in the cleanup of soil~~  
 22    ~~for that portion of the site that is subject to the administrative order~~  
 23    ~~so that the level of radiological or chemical contaminants in the~~  
 24    ~~soil does not exceed local background levels, except as provided~~  
 25    ~~in the exemptions specifically expressed and incorporated by~~  
 26    ~~reference in an administrative order entered into on December 6,~~  
 27    ~~2010.~~

28    ~~(e) The department shall enforce an administrative order, and,~~  
 29    ~~when enforcing an order, shall enforce the prohibitions on transfer~~  
 30    ~~specified in subdivisions (d) and (e) of Section 25359.20.~~

31    ~~SEC. 26.~~

32    ~~SEC. 25.~~ Section 5007 is added to the Public Resources Code,  
 33    ~~to read:~~

34    5007. (a) The department shall achieve any required budget  
 35    reductions by closing, partially closing, and reducing services at  
 36    selected units of the state park system. For purposes of this section,  
 37    “required budget reductions” means the amount of funds  
 38    appropriated in the annual Budget Act to the department that is  
 39    less than the amount necessary to fully operate the 2010 level of

1 278 units of the state park system. The department shall select the  
2 units to be closed based solely on all of the following factors:

3 (1) The relative statewide significance of each park unit,  
4 preserving to the extent possible, parks identified in the  
5 department's documents including "Outstanding and  
6 Representative Parks," the "California State History Plan," and  
7 the "California State Parks Survey of 1928."

8 (2) The rate of visitation to each unit, to minimize impacts to  
9 visitation in the state park system.

10 (3) (A) The estimated net savings from closing each unit, to  
11 maximize savings to the state park system.

12 (B) For purposes of this subdivision, "net savings" means the  
13 estimated costs of operation for the unit less the unit's projected  
14 revenues and less the costs of maintaining the unit after it is closed.

15 (4) The feasibility of physically closing each unit.

16 (5) The existence of, or potential for, partnerships that can help  
17 support each unit, including concessions and both for-profit and  
18 nonprofit partners.

19 (6) Significant operational efficiencies to be gained from closing  
20 a unit based on its proximity to other closed units where the units  
21 typically share staff and other operating resources.

22 (7) Significant and costly infrastructure deficiencies affecting  
23 key systems at each unit so that continued operation of the unit is  
24 less cost effective relative to other units.

25 (8) Recent or funded infrastructure investments at a unit.

26 (9) Necessary but unfunded capital investments at a unit.

27 (10) Deed restrictions and grant requirements applicable to each  
28 unit.

29 (11) The extent to which there are substantial dedicated funds  
30 for the support of the unit that are not appropriated from the  
31 General Fund.

32 (b) Notwithstanding Division 3.6 (commencing with Section  
33 810) of Title 1 of the Government Code, a public entity or a public  
34 employee is not liable for injury or damage caused by a condition  
35 of public property located in, or injury or damage otherwise  
36 occurring in, or arising out of an activity in, a state park system  
37 unit that is designated as closed, partially closed, or subject to  
38 service reduction by the department pursuant to subdivision (a).  
39 This immunity shall apply notwithstanding the fact that the public  
40 has access, whether invited or uninvited, to the state park system

1 unit, and notwithstanding that the department may take actions  
 2 such as patrols, inspections, maintenance, and repairs necessary  
 3 to protect the state park system unit facilities and resources from  
 4 deterioration, damage, or destruction. The immunity provided by  
 5 this subdivision does not limit any other immunity or immunities  
 6 available to a public entity or a public employee.

7 ~~SEC. 27.~~

8 *SEC. 26.* Section 326 is added to the Public Utilities Code, to  
 9 read:

10 326. (a) By January 10, 2012, and by January 10 of each year  
 11 thereafter, the commission shall report to the Joint Legislative  
 12 Budget Committee and appropriate fiscal and policy committees  
 13 of the Legislature, on all sources and amounts of funding and actual  
 14 and proposed expenditures, both in the two prior fiscal years and  
 15 for the proposed fiscal year, including any costs to ratepayers,  
 16 related to interactions by the commission, its officers, or its staff  
 17 with the California Public Utilities Commission Foundation, or  
 18 any derivative, or successor, or with any agent or director of the  
 19 foundation, including all of the following:

20 (1) Attendance at meetings, conferences, or events organized  
 21 or sponsored by the foundation.

22 (2) Any contract or other agreement between the commission,  
 23 its officers, or its staff and the foundation, including agreements  
 24 relating to attendance at any educational or training conference or  
 25 event.

26 (3) Any agenda item, order, decision, resolution, or motion,  
 27 referencing the foundation.

28 (4) Endorsements of the foundation or its activities.

29 (5) Any contribution made to the foundation at the behest of a  
 30 member of the commission, its officers, or its staff, and any direct  
 31 or indirect contribution made to the foundation by a member of  
 32 the commission, its officers, or its staff. For purposes of this  
 33 paragraph, “contribution” means any payment, a forgiveness of a  
 34 loan, a payment of a loan by a third party, or an enforceable  
 35 promise to make a payment, except to the extent that full and  
 36 adequate consideration is received.

37 (b) (1) Within eight weeks of any contribution to the foundation  
 38 made at the behest of a member of the commission, its officers,  
 39 or its staff, the commission shall report the contribution to the Joint  
 40 Legislative Budget Committee and appropriate fiscal and policy

1 committees of the Legislature, and include any documents  
2 pertaining to the contribution.

3 (2) Each report shall include certification from the commission  
4 that the contribution does not violate the Conflict of Interest Code  
5 and Statement of Incompatible Activities adopted pursuant to  
6 Section 303.

7 ~~SEC. 28.~~

8 *SEC. 27.* Section 8352.6 of the Revenue and Taxation Code is  
9 amended to read:

10 8352.6. (a) (1) Subject to Section 8352.1, on the first day of  
11 every month, there shall be transferred from moneys deposited to  
12 the credit of the Motor Vehicle Fuel Account to the Off-Highway  
13 Vehicle Trust Fund created by Section 38225 of the Vehicle Code  
14 an amount attributable to taxes imposed upon distributions of motor  
15 vehicle fuel used in the operation of motor vehicles off highway  
16 and for which a refund has not been claimed. Transfers made  
17 pursuant to this section shall be made prior to transfers pursuant  
18 to Section 8352.2.

19 (2) The Controller shall withhold eight hundred thirty-three  
20 thousand dollars (\$833,000) from this monthly transfer, and transfer  
21 that amount to the General Fund.

22 (b) The amount transferred pursuant to paragraph (1) of  
23 subdivision (a), as a percentage of the Motor Vehicle Fuel Account,  
24 shall be equal to the percentage transferred in the 2006–07 fiscal  
25 year. Every five years, starting in the 2013–14 fiscal year, the  
26 percentage transferred may be adjusted by the Department of  
27 Transportation in cooperation with the Department of Parks and  
28 Recreation and the Department of Motor Vehicles. Adjustments  
29 shall be based on, but not limited to, the changes in the following  
30 factors since the 2006–07 fiscal year or the last adjustment,  
31 whichever is more recent:

32 (1) The number of vehicles registered as off-highway motor  
33 vehicles as required by Division 16.5 (commencing with Section  
34 38000) of the Vehicle Code.

35 (2) The number of registered street-legal vehicles that are  
36 anticipated to be used off highway, including four-wheel drive  
37 vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

38 (3) Attendance at the state vehicular recreation areas.

39 (4) Off-highway recreation use on federal lands as indicated by  
40 the United States Forest Service’s National Visitor Use Monitoring

1 and the United States Bureau of Land Management’s Recreation  
2 Management Information System.

3 (c) It is the intent of the Legislature that transfers from the Motor  
4 Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund  
5 should reflect the full range of motorized vehicle use off highway  
6 for both motorized recreation and motorized off-road access to  
7 other recreation opportunities. Therefore, the Legislature finds that  
8 the fuel tax baseline established in subdivision (b), attributable to  
9 off-highway estimates of use as of the 2006–07 fiscal year,  
10 accounts for the three categories of vehicles that have been found  
11 over the years to be users of fuel for off-highway motorized  
12 recreation or motorized access to nonmotorized recreational  
13 pursuits. These three categories are registered off-highway  
14 motorized vehicles, registered street-legal motorized vehicles used  
15 off highway, and unregistered off-highway motorized vehicles.

16 (d) It is the intent of the Legislature that the off-highway motor  
17 vehicle recreational use to be determined by the Department of  
18 Transportation pursuant to paragraph (2) of subdivision (b) be that  
19 usage by vehicles subject to registration under Division 3  
20 (commencing with Section 4000) of the Vehicle Code, for  
21 recreation or the pursuit of recreation on surfaces where the use  
22 of vehicles registered under Division 16.5 (commencing with  
23 Section 38000) of the Vehicle Code may occur.

24 ~~SEC. 29.~~

25 *SEC. 28.* Section 13260 of the Water Code is amended to read:

26 13260. (a) Each of the following persons shall file with the  
27 appropriate regional board a report of the discharge, containing  
28 the information that may be required by the regional board:

29 (1) A person discharging waste, or proposing to discharge waste,  
30 within any region that could affect the quality of the waters of the  
31 state, other than into a community sewer system.

32 (2) A person who is a citizen, domiciliary, or political agency  
33 or entity of this state discharging waste, or proposing to discharge  
34 waste, outside the boundaries of the state in a manner that could  
35 affect the quality of the waters of the state within any region.

36 (3) A person operating, or proposing to construct, an injection  
37 well.

38 (b) No report of waste discharge need be filed pursuant to  
39 subdivision (a) if the requirement is waived pursuant to Section  
40 13269.

1 (c) Each person subject to subdivision (a) shall file with the  
2 appropriate regional board a report of waste discharge relative to  
3 any material change or proposed change in the character, location,  
4 or volume of the discharge.

5 (d) (1) (A) Each person who is subject to subdivision (a) or  
6 (c) shall submit an annual fee according to a fee schedule  
7 established by the state board.

8 (B) The total amount of annual fees collected pursuant to this  
9 section shall equal that amount necessary to recover costs incurred  
10 in connection with the issuance, administration, reviewing,  
11 monitoring, and enforcement of waste discharge requirements and  
12 waivers of waste discharge requirements.

13 (C) Recoverable costs may include, but are not limited to, costs  
14 incurred in reviewing waste discharge reports, prescribing terms  
15 of waste discharge requirements and monitoring requirements,  
16 enforcing and evaluating compliance with waste discharge  
17 requirements and waiver requirements, conducting surface water  
18 and groundwater monitoring and modeling, analyzing laboratory  
19 samples, adopting, reviewing, and revising water quality control  
20 plans and state policies for water quality control, and reviewing  
21 documents prepared for the purpose of regulating the discharge of  
22 waste, and administrative costs incurred in connection with  
23 carrying out these actions.

24 (D) In establishing the amount of a fee that may be imposed on  
25 a confined animal feeding and holding operation pursuant to this  
26 section, including, but not limited to, a dairy farm, the state board  
27 shall consider all of the following factors:

28 (i) The size of the operation.

29 (ii) Whether the operation has been issued a permit to operate  
30 pursuant to Section 1342 of Title 33 of the United States Code.

31 (iii) Any applicable waste discharge requirement or conditional  
32 waiver of a waste discharge requirement.

33 (iv) The type and amount of discharge from the operation.

34 (v) The pricing mechanism of the commodity produced.

35 (vi) Any compliance costs borne by the operation pursuant to  
36 state and federal water quality regulations.

37 (vii) Whether the operation participates in a quality assurance  
38 program certified by a regional water quality control board, the  
39 state board, or a federal water quality control agency.

1 (2) (A) Subject to subparagraph (B), the fees collected pursuant  
2 to this section shall be deposited in the Waste Discharge Permit  
3 Fund, which is hereby created. The money in the fund is available  
4 for expenditure by the state board, upon appropriation by the  
5 Legislature, solely for the purposes of carrying out this division.

6 (B) (i) Notwithstanding subparagraph (A), the fees collected  
7 pursuant to this section from stormwater dischargers that are  
8 subject to a general industrial or construction stormwater permit  
9 under the national pollutant discharge elimination system (NPDES)  
10 shall be separately accounted for in the Waste Discharge Permit  
11 Fund.

12 (ii) Not less than 50 percent of the money in the Waste  
13 Discharge Permit Fund that is separately accounted for pursuant  
14 to clause (i) is available, upon appropriation by the Legislature,  
15 for expenditure by the regional board with jurisdiction over the  
16 permitted industry or construction site that generated the fee to  
17 carry out stormwater programs in the region.

18 (iii) Each regional board that receives money pursuant to clause  
19 (ii) shall spend not less than 50 percent of that money solely on  
20 stormwater inspection and regulatory compliance issues associated  
21 with industrial and construction stormwater programs.

22 (3) A person who would be required to pay the annual fee  
23 prescribed by paragraph (1) for waste discharge requirements  
24 applicable to discharges of solid waste, as defined in Section 40191  
25 of the Public Resources Code, at a waste management unit that is  
26 also regulated under Division 30 (commencing with Section 40000)  
27 of the Public Resources Code, shall be entitled to a waiver of the  
28 annual fee for the discharge of solid waste at the waste management  
29 unit imposed by paragraph (1) upon verification by the state board  
30 of payment of the fee imposed by Section 48000 of the Public  
31 Resources Code, and provided that the fee established pursuant to  
32 Section 48000 of the Public Resources Code generates revenues  
33 sufficient to fund the programs specified in Section 48004 of the  
34 Public Resources Code and the amount appropriated by the  
35 Legislature for those purposes is not reduced.

36 (e) Each person that discharges waste in a manner regulated by  
37 this section shall pay an annual fee to the state board. The state  
38 board shall establish, by regulation, a timetable for the payment  
39 of the annual fee. If the state board or a regional board determines  
40 that the discharge will not affect, or have the potential to affect,

1 the quality of the waters of the state, all or part of the annual fee  
2 shall be refunded.

3 (f) (1) The state board shall adopt, by emergency regulations,  
4 a schedule of fees authorized under subdivision (d). The total  
5 revenue collected each year through annual fees shall be set at an  
6 amount equal to the revenue levels set forth in the Budget Act for  
7 this activity. The state board shall automatically adjust the annual  
8 fees each fiscal year to conform with the revenue levels set forth  
9 in the Budget Act for this activity. If the state board determines  
10 that the revenue collected during the preceding year was greater  
11 than, or less than, the revenue levels set forth in the Budget Act,  
12 the state board may further adjust the annual fees to compensate  
13 for the over and under collection of revenue.

14 (2) The emergency regulations adopted pursuant to this  
15 subdivision, any amendment thereto, or subsequent adjustments  
16 to the annual fees, shall be adopted by the state board in accordance  
17 with Chapter 3.5 (commencing with Section 11340) of Part 1 of  
18 Division 3 of Title 2 of the Government Code. The adoption of  
19 these regulations is an emergency and shall be considered by the  
20 Office of Administrative Law as necessary for the immediate  
21 preservation of the public peace, health, safety, and general welfare.  
22 Notwithstanding Chapter 3.5 (commencing with Section 11340)  
23 of Part 1 of Division 3 of Title 2 of the Government Code, any  
24 emergency regulations adopted by the state board, or adjustments  
25 to the annual fees made by the state board pursuant to this section,  
26 shall not be subject to review by the Office of Administrative Law  
27 and shall remain in effect until revised by the state board.

28 (g) The state board shall adopt regulations setting forth  
29 reasonable time limits within which the regional board shall  
30 determine the adequacy of a report of waste discharge submitted  
31 under this section.

32 (h) Each report submitted under this section shall be sworn to,  
33 or submitted under penalty of perjury.

34 (i) The regulations adopted by the state board pursuant to  
35 subdivision (f) shall include a provision that annual fees shall not  
36 be imposed on those who pay fees under the national pollutant  
37 discharge elimination system until the time when those fees are  
38 again due, at which time the fees shall become due on an annual  
39 basis.

1 (j) A person operating or proposing to construct an oil, gas, or  
2 geothermal injection well subject to paragraph (3) of subdivision  
3 (a) shall not be required to pay a fee pursuant to subdivision (d) if  
4 the injection well is regulated by the Division of Oil and Gas of  
5 the Department of Conservation, in lieu of the appropriate  
6 California regional water quality control board, pursuant to the  
7 memorandum of understanding, entered into between the state  
8 board and the Department of Conservation on May 19, 1988. This  
9 subdivision shall remain operative until the memorandum of  
10 understanding is revoked by the state board or the Department of  
11 Conservation.

12 (k) In addition to the report required by subdivision (a), before  
13 a person discharges mining waste, the person shall first submit  
14 both of the following to the regional board:

15 (1) A report on the physical and chemical characteristics of the  
16 waste that could affect its potential to cause pollution or  
17 contamination. The report shall include the results of all tests  
18 required by regulations adopted by the board, any test adopted by  
19 the Department of Toxic Substances Control pursuant to Section  
20 25141 of the Health and Safety Code for extractable, persistent,  
21 and bioaccumulative toxic substances in a waste or other material,  
22 and any other tests that the state board or regional board may  
23 require, including, but not limited to, tests needed to determine  
24 the acid-generating potential of the mining waste or the extent to  
25 which hazardous substances may persist in the waste after disposal.

26 (2) A report that evaluates the potential of the discharge of the  
27 mining waste to produce, over the long term, acid mine drainage,  
28 the discharge or leaching of heavy metals, or the release of other  
29 hazardous substances.

30 (l) Except upon the written request of the regional board, a report  
31 of waste discharge need not be filed pursuant to subdivision (a) or  
32 (c) by a user of recycled water that is being supplied by a supplier  
33 or distributor of recycled water for whom a master recycling permit  
34 has been issued pursuant to Section 13523.1.

35 ~~SEC. 30.~~

36 *SEC. 29.* Section 27 of Chapter 718 of the Statutes of 2010 is  
37 amended to read:

38 *Sec. 27.* (a) It is the intent of the Legislature that a zero-based  
39 budget for programs and expenditures related to water and  
40 ecosystem restoration activities in the Sacramento-San Joaquin

1 Delta will enable the Legislature to better understand the overall  
2 size of the state’s investment in the Sacramento-San Joaquin Delta  
3 and how funds are being allocated and prioritized for particular  
4 programs and functions.

5 (b) (1) On or before April 1, 2012, the Governor shall submit  
6 to the Legislature a report on the budget for the 2012–13 fiscal  
7 year for all state agency programs that implement water and  
8 ecosystem restoration activities in the Sacramento-San Joaquin  
9 Delta, including activities related to the CALFED Bay-Delta  
10 Program, using a zero-based budget methodology.

11 (2) The budget submitted pursuant to this subdivision shall  
12 complement the budget display for the CALFED Bay-Delta  
13 Program budget annually submitted by the Governor in conjunction  
14 with the budget, and shall show all state agency expenditures that  
15 implement water and ecosystem restoration activities in the  
16 Sacramento-San Joaquin Delta. All state expenditures reported in  
17 the budget for the CALFED Bay-Delta Program for the 2012–13  
18 fiscal year shall be reported using a zero-based budget  
19 methodology, regardless of whether the appropriation authority is  
20 continuous or on an annual basis.

21 (3) In developing a zero-based budget for the CALFED  
22 Bay-Delta Program, the Delta Stewardship Council shall conduct  
23 a programmatic review of CALFED Bay-Delta Program  
24 expenditures for consistency with the Delta Plan developed  
25 pursuant to Section 85300 of the Water Code.

26 (c) As used in the section, “zero-based budget methodology”  
27 means determining a budget by starting with a base of zero dollars  
28 (\$0) and adding dollar amounts necessary to conduct specific  
29 activities and operations. A zero-based budget shall set forth all  
30 of the following:

31 (1) Each activity performed for which an appropriation is made  
32 or is requested.

33 (2) The legal basis for performing the activity.

34 (3) An itemized justification for the amount requested to perform  
35 the activity.

36 ~~SEC. 31.~~

37 *SEC. 30.* There is hereby appropriated one thousand dollars  
38 (\$1,000) from the State Parks and Recreation Fund to the  
39 Department of Parks and Recreation for administrative costs.

1     ~~SEC. 32.~~

2     ~~SEC. 31.~~ This act addresses the fiscal emergency declared and  
3 reaffirmed by the Governor by proclamation on January 20, 2011,  
4 pursuant to subdivision (f) of Section 10 of Article IV of the  
5 California Constitution.

6     ~~SEC. 33.~~

7     ~~SEC. 32.~~ This act is a bill providing for appropriations related  
8 to the Budget Bill within the meaning of subdivision (e) of Section  
9 12 of Article IV of the California Constitution, has been identified  
10 as related to the budget in the Budget Bill, and shall take effect  
11 immediately.

12     ~~SEC. 34.~~

13     ~~SEC. 33.~~ This act is an urgency statute necessary for the  
14 immediate preservation of the public peace, health, or safety within  
15 the meaning of Article IV of the Constitution and shall go into  
16 immediate effect. The facts constituting the necessity are:

17     In order to make the necessary statutory changes to implement  
18 the Budget Act of 2011 at the earliest possible time, it is necessary  
19 that this act take effect immediately.