

AMENDED IN SENATE AUGUST 19, 2016

AMENDED IN ASSEMBLY APRIL 12, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2561**

---

---

**Introduced by ~~Committee on Veterans Affairs~~ Assembly Member  
*Irwin***

February 19, 2016

---

---

~~An act to amend Section 1457 of the Military and Veterans Code, relating to military and veterans, and making an appropriation therefor. An act to amend and repeal Section 10912 of the Water Code, relating to water supply.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2561, as amended, ~~Committee on Veterans Affairs~~ *Irwin*. ~~Veterans cemeteries. Water supply planning: projects: photovoltaic or wind energy generation facility.~~

*Existing law requires a city or county that determines that a project, as defined, is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems to prepare a specified water supply assessment. If no public water system is identified, the city or county is required to prepare the water supply assessment.*

*Existing law defines "project" for purposes of these provisions as, among other things, a project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project. For a public water system that has fewer than 5,000 service connections, existing law defines "project" as development that would account for a specified increase in the number of service*

connections. Existing law, until January 1, 2017, exempts from the definition of “project” a proposed photovoltaic or wind energy generation facility that would demand no more than 75 acre-feet of water annually.

This bill would remove the January 1, 2017, sunset date, which would indefinitely exempt the above-described proposed photovoltaic or wind energy generation facilities from the definition of “project.” The bill would thereby extend the duties on local agencies with respect to determining whether a project is subject to the water supply assessment requirements, thereby imposing a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law provides for the design, development, and construction of a state-owned and state-operated veterans cemetery at the site of the former Fort Ord. Existing law establishes the California Central Coast State Veterans Cemetery at Fort Ord Endowment Fund, which is available upon appropriation by the Legislature for design, construction, and maintenance costs of the cemetery. Existing law authorizes the Secretary of Veterans Affairs to accept donations to be used for the maintenance or beautification of the veterans cemetery. Existing law further requires that those donations be deposited in the endowment fund.~~

~~This bill would establish the California Central Coast Veterans Cemetery Project Donation Fund, and would require that donations for the cemetery for a purpose specified by the donor instead be deposited in the fund, and be expended for the specific veterans cemetery maintenance or beautification project designated by the donor. This bill would continuously appropriate the fund to the department for these purposes.~~

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: ~~no~~-yes.

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

1     **SECTION 1.** *Section 10912 of the Water Code, as amended by*  
2 *Section 1 of Chapter 588 of the Statutes of 2011, is amended to*  
3 *read:*

4     10912. For the purposes of this part, the following terms have  
5 the following meanings:

6     (a) “Project” means any of the following:

7     (1) A proposed residential development of more than 500  
8 dwelling units.

9     (2) A proposed shopping center or business establishment  
10 employing more than 1,000 persons or having more than 500,000  
11 square feet of floor space.

12     (3) A proposed commercial office building employing more  
13 than 1,000 persons or having more than 250,000 square feet of  
14 floor space.

15     (4) A proposed hotel or motel, or both, having more than 500  
16 rooms.

17     (5) (A) Except as otherwise provided in subparagraph (B), a  
18 proposed industrial, manufacturing, or processing plant, or  
19 industrial park planned to house more than 1,000 persons,  
20 occupying more than 40 acres of land, or having more than 650,000  
21 square feet of floor area.

22     (B) A proposed photovoltaic or wind energy generation facility  
23 approved on or after ~~the effective date of the amendments made~~  
24 ~~to this section at the 2011–12 Regular Session~~ *October 8, 2011,*  
25 is not a project if the facility would demand no more than 75  
26 acre-feet of water annually.

27     (6) A mixed-use project that includes one or more of the projects  
28 specified in this subdivision.

29     (7) A project that would demand an amount of water equivalent  
30 to, or greater than, the amount of water required by a 500 dwelling  
31 unit project.

32     (b) If a public water system has fewer than 5,000 service  
33 connections, then “project” means any proposed residential,  
34 business, commercial, hotel or motel, or industrial development  
35 that would account for an increase of 10 percent or more in the  
36 number of the public water system’s existing service connections,  
37 or a mixed-use project that would demand an amount of water  
38 equivalent to, or greater than, the amount of water required by

1 residential development that would represent an increase of 10  
2 percent or more in the number of the public water system’s existing  
3 service connections.

4 (c) “Public water system” means a system for the provision of  
5 piped water to the public for human consumption that has 3,000  
6 or more service connections. A public water system includes all  
7 of the following:

8 (1) Any collection, treatment, storage, and distribution facility  
9 under control of the operator of the system that is used primarily  
10 in connection with the system.

11 (2) Any collection or pretreatment storage facility not under the  
12 control of the operator that is used primarily in connection with  
13 the system.

14 (3) Any person who treats water on behalf of one or more public  
15 water systems for the purpose of rendering it safe for human  
16 consumption.

17 ~~(d) This section shall remain in effect only until January 1, 2017,~~  
18 ~~and as of that date is repealed, unless a later enacted statute, that~~  
19 ~~is enacted before January 1, 2017, deletes or extends that date.~~

20 *SEC. 2. Section 10912 of the Water Code, as added by Section*  
21 *2 of Chapter 588 of the Statutes of 2011, is repealed.*

22 ~~10912. For the purposes of this part, the following terms have~~  
23 ~~the following meanings:~~

24 ~~(a) “Project” means any of the following:~~

25 ~~(1) A proposed residential development of more than 500~~  
26 ~~dwelling units.~~

27 ~~(2) A proposed shopping center or business establishment~~  
28 ~~employing more than 1,000 persons or having more than 500,000~~  
29 ~~square feet of floor space.~~

30 ~~(3) A proposed commercial office building employing more~~  
31 ~~than 1,000 persons or having more than 250,000 square feet of~~  
32 ~~floor space.~~

33 ~~(4) A proposed hotel or motel, or both, having more than 500~~  
34 ~~rooms.~~

35 ~~(5) A proposed industrial, manufacturing, or processing plant,~~  
36 ~~or industrial park planned to house more than 1,000 persons,~~  
37 ~~occupying more than 40 acres of land, or having more than 650,000~~  
38 ~~square feet of floor area.~~

39 ~~(6) A mixed-use project that includes one or more of the projects~~  
40 ~~specified in this subdivision.~~

1 ~~(7) A project that would demand an amount of water equivalent~~  
2 ~~to, or greater than, the amount of water required by a 500 dwelling~~  
3 ~~unit project.~~

4 ~~(b) If a public water system has fewer than 5,000 service~~  
5 ~~connections, then “project” means any proposed residential,~~  
6 ~~business, commercial, hotel or motel, or industrial development~~  
7 ~~that would account for an increase of 10 percent or more in the~~  
8 ~~number of the public water system’s existing service connections,~~  
9 ~~or a mixed-use project that would demand an amount of water~~  
10 ~~equivalent to, or greater than, the amount of water required by~~  
11 ~~residential development that would represent an increase of 10~~  
12 ~~percent or more in the number of the public water system’s existing~~  
13 ~~service connections.~~

14 ~~(c) “Public water system” means a system for the provision of~~  
15 ~~pipd water to the public for human consumption that has 3,000~~  
16 ~~or more service connections. A public water system includes all~~  
17 ~~of the following:~~

18 ~~(1) Any collection, treatment, storage, and distribution facility~~  
19 ~~under control of the operator of the system that is used primarily~~  
20 ~~in connection with the system.~~

21 ~~(2) Any collection or pretreatment storage facility not under the~~  
22 ~~control of the operator that is used primarily in connection with~~  
23 ~~the system.~~

24 ~~(3) Any person who treats water on behalf of one or more public~~  
25 ~~water systems for the purpose of rendering it safe for human~~  
26 ~~consumption.~~

27 ~~(d) This section shall become operative on January 1, 2017.~~

28 *SEC. 3. If the Commission on State Mandates determines that*  
29 *this act contains costs mandated by the state, reimbursement to*  
30 *local agencies and school districts for those costs shall be made*  
31 *pursuant to Part 7 (commencing with Section 17500) of Division*  
32 *4 of Title 2 of the Government Code.*

33 ~~SECTION 1. Section 1457 of the Military and Veterans Code~~  
34 ~~is amended to read:~~

35 ~~1457. (a) Notwithstanding Section 11005 of the Government~~  
36 ~~Code, the veterans cemetery administrator may, subject to the~~  
37 ~~approval of the Secretary of Veterans Affairs, accept donations of~~  
38 ~~personal property, including cash or other gifts, to be used for the~~  
39 ~~maintenance or beautification of the veterans cemetery.~~

- 1     ~~(b) Donations in the form of cash that do not have a purpose~~
- 2     ~~specified by the donor shall be deposited in the Endowment Fund;~~
- 3     ~~and shall be expended for the maintenance and repair of the~~
- 4     ~~veterans cemetery upon appropriation by the Legislature.~~
- 5     ~~(e) Donations in the form of cash for a purpose specified by the~~
- 6     ~~donor shall be deposited in the California Central Coast Veterans~~
- 7     ~~Cemetery Project Donation Fund, which is hereby created in the~~
- 8     ~~State Treasury, and shall be expended for the specified veterans~~
- 9     ~~cemetery maintenance or beautification project designated by the~~
- 10    ~~donor.~~
- 11    ~~(d) Notwithstanding Section 13340 of the Government Code,~~
- 12    ~~donations deposited to the credit of the California Central Coast~~
- 13    ~~Veterans Cemetery Project Donation Fund as authorized by~~
- 14    ~~subdivision (c) shall be continuously appropriated to the~~
- 15    ~~department, without regard to fiscal year.~~