

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2909

Introduced by ~~Committee on Water, Parks, and Wildlife~~ (Assembly Members ~~Levine (Chair), Dababneh, Dodd, Cristina Garcia, Lopez, Medina, Salas, and Williams~~) Assembly Member Levine

March 9, 2016

An act to amend Sections 5009.1 and 5010.6 of the Public Resources Code, relating to state parks: water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2909, as amended, ~~Committee on Water, Parks, and Wildlife~~ Levine. ~~State parks: funding. Water: transfer or exchange: expedited review.~~

Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law provides procedures for a permittee or licensee to temporarily change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights, as specified.

This bill would require the board to develop and implement an expedited 30-day review process for approval of petitions to temporarily change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if the transfer is for a reoccurring water transfer, as defined, or an environmentally beneficial transfer, as defined. The bill would require the Department of Water Resources to develop a 30-day review process for reoccurring water

transfers between contractors for State Water Project water and for reoccurring water transfers that utilize facilities of the State Water Project. The bill would repeal its provisions as of January 1, 2022.

~~Existing law authorizes the Department of Parks and Recreation to enter into an agreement to accept funds from any person, educational institution, tribal government, corporation, or other business entity or organization for the maintenance, operation, restoration, repair, development, improvement, or enhancement of a designated state park system unit or facility, or for research, educational, interpretive, recreational, or visitor services provided on or for a designated state park system unit or facility, and requires that any funds so received be deposited in a separate account in the State Park Contingent Fund.~~

~~This bill would require the department, for each donation received pursuant to those provisions, to provide the donor of record a written quarterly accounting of all expenditures made from the donated funds, as specified.~~

~~Existing law establishes the State Parks Revenue Incentive Subaccount in the State Parks and Recreation Fund, and continuously appropriates funds in the subaccount to the department for activities, programs, and projects that are consistent with the mission of the department and that increase the department's capacity to generate revenue and implement a revenue generating program. Existing law requires that activities, programs, and projects funded by the subaccount include among, other things, a projection of costs, including design, planning, construction, operation, staff, maintenance, marketing, and information technology.~~

~~This bill would require a projection of costs to include that information only if appropriate.~~

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

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

- 1 *SECTION 1. Section 1733 is added to the Water Code, to read:*
- 2 *1733. (a) For the purposes of this section:*
- 3 *(1) "Environmentally beneficial transfer" means a transfer that*
- 4 *does not negatively impact an ecosystem's health or local drinking*
- 5 *water supply in the source area and includes any of the following:*
- 6 *(A) A transfer between water users that is designed to benefit*
- 7 *the environment.*

1 (B) A transfer that protects habitat and sensitive wildlife or
2 enhances managed wetland supply, wildlife refuges, ecosystems,
3 and instream flow.

4 (C) A transfer that benefits local drinking water supplies by
5 reducing local groundwater overdraft or improving water quality.

6 (D) A transfer that contributes to the implementation of the
7 Sustainable Groundwater Management Act (Part 2.74
8 (commencing with Section 10720) of Division 6).

9 (2) "Reoccurring water transfer" means a transfer of one year
10 or less that is substantially similar in volume, time of year, and
11 hydrologic conditions to a transfer previously approved by the
12 department or the board in the past 48 months.

13 (b) The board shall develop and implement an expedited 30-day
14 review process for approval of petitions to temporarily change the
15 point of diversion, place of use, or purpose of use due to a transfer
16 or exchange of water or water rights if the transfer is for a
17 reoccurring water transfer or an environmentally beneficial
18 transfer.

19 (c) The department shall develop a 30-day review process for
20 reoccurring water transfers between contractors for State Water
21 Project water and for reoccurring water transfers that utilize
22 facilities of the State Water Project.

23 (d) Transfers under this section shall not alter the priority for
24 use of conveyance facilities.

25 (e) This section applies in addition to any other law relating to
26 water transfers or exchanges.

27 (f) This section shall remain in effect only until January 1, 2022,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2022, deletes or extends that date.

30 ~~SECTION 1. Section 5009.1 of the Public Resources Code is~~
31 ~~amended to read:~~

32 ~~5009.1. (a) (1) The department may enter into an agreement~~
33 ~~to accept funds from any person, educational institution, tribal~~
34 ~~government, corporation or other business entity, or organization~~
35 ~~for the maintenance, operation, restoration, repair, development,~~
36 ~~improvement, or enhancement of a designated state park system~~
37 ~~unit or facility, or for research, educational, interpretive,~~
38 ~~recreational, or visitor services provided on or for a designated~~
39 ~~state park system unit or facility. Any funds so received shall be~~
40 ~~deposited in a separate account in the State Park Contingent Fund.~~

~~The funds received shall supplement, but not replace, existing resources for the maintenance, operation, restoration, repair, development, improvement, or enhancement of the unit or facility; or for establishing or enhancing park services provided to visitors. The department and the sponsoring or donating person, entity, government, or organization shall specify in the agreement the level of service that is to be performed.~~

~~(2) For each donation received and deposited into a separate account in the State Park Contingent Fund pursuant to paragraph (1), the department shall provide the donor of record a written quarterly accounting of all expenditures made from the donated funds until all of the funds donated and deposited into that account have been expended.~~

~~(b) The department may enter into an agreement to accept from any person, educational institution, tribal government, corporation or other business entity, or organization services for the cleanup, repair, development, improvement, restoration, or enhancement of any designated state park system unit or facility, or for research, educational, interpretive, recreational, or visitor services provided on or for a state park system unit or facility. Under the direction of the department, these services shall supplement, but not replace, existing staff resources for the purpose of enhancing the maintenance and operation of the unit or facility or for establishing or enhancing park services provided to visitors.~~

~~(c) The director may authorize the erection of an appropriate sign in recognition of a donation or sponsorship provided in accordance with this section, consistent with existing law and with the rules and regulations of the department regarding signs in units of the state park system.~~

~~(d) The department may provide free or reduced-cost access to, and use of, park facilities to entities that have entered into agreements as described in this section, if the public benefit to be provided pursuant to the agreement exceeds or is of comparable value, as determined by the department, to the access to or use of park facilities granted.~~

~~SEC. 2. Section 5010.6 of the Public Resources Code is amended to read:~~

~~5010.6. (a) For purposes of this section, “subaccount” means the State Parks Revenue Incentive Subaccount created pursuant to this section.~~

1 ~~(b) The State Parks Revenue Incentive Subaccount is hereby~~
2 ~~created within the State Parks and Recreation Fund and the~~
3 ~~Controller shall annually transfer four million three hundred forty~~
4 ~~thousand dollars (\$4,340,000) from the State Parks and Recreation~~
5 ~~Fund to the subaccount.~~

6 ~~(c) Notwithstanding Section 13340 of the Government Code,~~
7 ~~the funds in the subaccount are hereby continuously appropriated~~
8 ~~to the department for activities, programs, and projects, including,~~
9 ~~but not limited to, capital outlay projects, that are consistent with~~
10 ~~the mission of the department and that increase the department's~~
11 ~~capacity to generate revenue and to implement the revenue~~
12 ~~generation program developed pursuant to Section 5010.7.~~
13 ~~Expenditures from the subaccount may include expenditures for~~
14 ~~staffing entry points, including department employees, seasonal~~
15 ~~employees, state and local conservation corps, individuals qualified~~
16 ~~pursuant to Chapter 0908 of the Department Operations Manual,~~
17 ~~and employees of organizations with agreements with state parks~~
18 ~~pursuant to Sections 513, 5009.1, 5009.3, and 5080. Activities,~~
19 ~~programs, and projects funded by the subaccount shall each include~~
20 ~~all of the following:~~

- 21 ~~(1) A clear description of the proposed use of funds.~~
22 ~~(2) A timeframe for implementation of the activity, program,~~
23 ~~or project.~~
24 ~~(3) A projection of revenues, including annual income, fees,~~
25 ~~and projected usage rates.~~
26 ~~(4) A projection of costs, including, if appropriate, design,~~
27 ~~planning, construction, operation, staff, maintenance, marketing,~~
28 ~~and information technology.~~
29 ~~(5) A market analysis demonstrating demand for the activity,~~
30 ~~project, or program.~~
31 ~~(6) A projected rate of return on the investment.~~

32 ~~(d) The Office of State Audits and Evaluations shall review the~~
33 ~~activities, programs, and projects funded from the subaccount~~
34 ~~pursuant to subdivision (c) to ensure appropriate internal controls~~
35 ~~are in place. The department shall reimburse the Office of State~~
36 ~~Audits and Evaluations from the subaccount for any costs related~~
37 ~~to the review.~~

38 ~~(e) The revenue generated from activities, programs, and projects~~
39 ~~funded by the subaccount are continuously appropriated for~~

1 expenditure by the department pursuant to subdivisions (c) and
2 (d) of Section 5010.7.
3 (f) The funds in the subaccount shall be available for
4 encumbrance and expenditure until June 30, 2019, and for
5 liquidation until June 30, 2021.
6 (g) This section shall become inoperative on June 30, 2021,
7 and, as of January 1, 2022, is repealed, unless a later enacted
8 statute, that becomes operative on or before January 1, 2022,
9 deletes or extends the dates on which it becomes inoperative and
10 is repealed.