

Assembly Bill No. 466

CHAPTER 567

An act to amend Section 12997.5 of, and to add and repeal Section 79452.3 of, the Water Code, relating to natural resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 6, 2005. Filed with
Secretary of State October 6, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 466, Matthews. Natural resources: Department of Fish and Game: California Bay-Delta Authority.

Existing law requires the Alluvial Fan Task Force to develop a model ordinance on alluvial fan flooding to be made available to communities subject to alluvial fan flooding, and to prepare and submit a related report to the Legislature not later than June 30, 2006. Existing law prohibits the expenditure of state funds to carry out this program.

This bill would authorize the state to expend funds to carry out this program if state funds are used to provide a matching cost share, as required by the federal government for the use of federal funds.

Existing law, the California Bay-Delta Authority Act, establishes in the Resources Agency the California Bay-Delta Authority, with membership as prescribed. Among the prescribed members of the authority is the Director of Fish and Game. Existing provisions of the act require the authority to appoint a lead scientist, and require the lead scientist to ensure that peer review is employed extensively and prudently to ensure the quality of program planning, implementation, and evaluation.

This bill would authorize the lead scientist of the California Bay-Delta Authority, in collaboration with the Director of Fish and Game, to directly or indirectly contract for scientific experts for the purpose of conducting studies of delta fisheries. The bill would exempt a contract entered into pursuant to the bill from the State Contract Act, the provisions of the State Civil Service Act that relate to personal services contracts, and any rules or regulations adopted pursuant to any of those provisions.

This bill would appropriate \$2,637,000 from the General Fund to the Department of Fish and Game for the Biodiversity Conservation Program to continue the development of a comprehensive conservation plan for the development of the University of California, Merced project in eastern Merced County.

The bill would appropriate \$150,000 from moneys reimbursed to the Department of Fish and Game in an item of the 2005 Budget Act to the Department of Fish and Game for use during the 2005-06 fiscal year for associated wages, benefits, operating expenses, equipment, and department

overhead associated with a full-time person-year, or equivalent, of an environmental scientist, dedicated to the planning, review, and permitting of projects related to the San Francisco Public Utilities Commission Water System Improvement Program, contingent upon the department's receipt of that same sum from the San Francisco Public Utilities Commission.

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

Appropriation: yes.

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

SECTION 1. Section 12997.5 of the Water Code is amended to read:

12997.5. This part shall be carried out only to the extent funding is made available from the federal government or private sources to carry out this part. The state may expend funds to carry out this part if the state funds are used to provide a matching cost share, as required by the federal government for the use of federal funds.

SEC. 2. Section 79452.3 is added to the Water Code, to read:

79452.3. (a) Notwithstanding any other provision of law, the lead scientist of the California Bay-Delta Authority, as appointed pursuant to Section 79452 of the Water Code, may, in collaboration with the Director of Fish and Game, directly or indirectly enter into contracts with scientific experts for the purpose of conducting studies of delta fisheries. A contract entered into pursuant to this section shall terminate no later than January 1, 2008, and shall be exempt from Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, Section 19130 of the Government Code, and any rules or regulations adopted pursuant to any of those provisions.

(b) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute that is enacted on or before January 1, 2008, deletes or extends that date.

SEC. 3. The sum of two million six hundred thirty-seven thousand dollars (\$2,637,000) is hereby appropriated from the General Fund to the Department of Fish and Game for the Biodiversity Conservation Program to continue the development of a comprehensive conservation plan for the development of the University of California, Merced project in eastern Merced County.

SEC. 4. Contingent upon the receipt of one hundred fifty thousand dollars (\$150,000) by the Department of Fish and Game from the San Francisco Public Utilities Commission, that same sum is hereby appropriated from the funds reimbursed in Schedule (9) of Item 3600-001-0001 of Section 2.00 of the Budget Act of 2005 to the Department of Fish and Game for use during the 2005-06 fiscal year for associated wages, benefits, operating expenses, equipment, and department overhead associated with a full-time person-year, or equivalent, of an environmental scientist, dedicated to the planning, review, and permitting

of projects related to the San Francisco Public Utilities Commission Water System Improvement Program.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make urgently needed funds available to the Department of Fish and Game for conservation in eastern Merced County and for the support of the San Francisco Public Utilities Commission Water System Improvement Program, and to authorize the lead scientist of the California Bay-Delta Authority, in collaboration with the Director of Fish and Game, to contract for vital studies of delta fisheries, as soon as possible, it is necessary for this act to take effect immediately.