

AMENDED IN SENATE MAY 31, 2005
AMENDED IN SENATE MAY 27, 2005
AMENDED IN SENATE APRIL 4, 2005
AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 153

**Introduced by Senators Chesbro, Kehoe, Kuehl, Perata, Simitian,
and Torlakson**

(Coauthor: Senator Alquist)

(Coauthors: Assembly Members Berg, Bermudez, Evans, Karnette,
Klehs, Koretz, Leno, Nation, Nava, and Ruskin)

February 8, 2005

An act to add Chapter 1.698 (commencing with Section 5096.700) to Division 5 of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 153, as amended, Chesbro. California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006.

Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities.

This bill would enact, for display purposes only, the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006, which, if adopted, would authorize, for the purpose of financing a program for the acquisition, development, and preservation of park, recreational, water, coastal, agricultural land, air, cultural, and historical resources, as specified, the issuance, pursuant

to the State General Obligation Bond Law, of bonds in the amount of \$3,000,000,000.

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

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

1 SECTION 1. Chapter 1.698 (commencing with Section
2 5096.700) is added to Division 5 of the Public Resources Code,
3 to read:

4
5 CHAPTER 1.698. THE CALIFORNIA CLEAN WATER,
6 CLEAN AIR, SAFE NEIGHBORHOOD PARKS,
7 AND COASTAL PROTECTION ACT OF 2006

8
9 Article 1. General Provisions

10
11 5096.700. This chapter shall be known, and may be cited, as
12 the California Clean Water, Clean Air, Safe Neighborhood Parks,
13 and Coastal Protection Act of 2006.

14 5096.701. (a) The Legislature finds and declares all of the
15 following:

16 (1) Maintaining a high quality of life for California’s growing
17 population requires a continuing investment in parks, recreation
18 facilities, and in the protection of the state’s natural and historical
19 resources.

20 (2) Clean air, clean water, clean beaches, and healthy natural
21 ecosystems that can support both human communities and the
22 state’s native fish and wildlife are all part of the legacy of
23 California. Each generation has an obligation to be good
24 stewards of these resources in order to pass them on to their
25 children.

26 (b) The Legislature hereby recognizes that public financial
27 resources are inadequate to meet all of the funding needs of local
28 public park and recreation providers and that there is an urgent
29 need for safe, open, and accessible local park and recreational
30 facilities and for increased recreational opportunities that provide
31 positive alternatives to social problems. Accordingly, it is
32 declared to be the policy of this state that the funds allocated
33 pursuant to Section 5096.720 to local agencies shall be

1 appropriated primarily for projects that accomplish all of the
2 following:

3 (1) Rehabilitate facilities at existing local parks that will
4 provide for more efficient management and reduced operational
5 costs.

6 (2) Develop facilities that promote positive alternatives for
7 youth and that promote cooperation between local park and
8 recreation service providers and youth-serving nonprofit
9 organizations.

10 (3) Promote family oriented recreation, including art activities.

11 (4) Provide for open, safe, and accessible local parklands,
12 facilities, and botanical gardens.

13 (5) Develop and enhance nonmotorized trails to promote
14 passive and active recreational enjoyment including wildlife and
15 scenic viewing opportunities.

16 5096.705. As used in this chapter, the following terms have
17 the following meanings:

18 (a) (1) “Acquisition of real property” means obtaining the fee
19 title or a lesser interest in real property, including, specifically, a
20 conservation easement or development rights. “Acquisition” with
21 respect to other historical and cultural resources means securing
22 ownership by purchase, option to purchase, gift, exchange,
23 dedication, or any combination, including rights to use, display,
24 reproduce, or replicate, as appropriate.

25 (b) “Committee” means the California Clean Water, Clean
26 Air, Safe Neighborhood Parks, and Coastal Protection Act of
27 2006 Finance Committee created pursuant to Section 5096.767.

28 (c) “Department” means the Department of Parks and
29 Recreation.

30 (d) “Development” includes, but is not limited to,
31 improvement, rehabilitation, restoration, enhancement,
32 preservation, protection, and interpretation.

33 (e) “Director” means the Director of Parks and Recreation.

34 (f) “District” means a regional park district, regional park and
35 open-space district, or regional open-space district formed
36 pursuant to Article 3 (commencing with Section 5500) of
37 Chapter 3, a recreation and park district formed pursuant to
38 Chapter 4 (commencing with Section 5780), or an authority
39 formed pursuant to Division 26 (commencing with Section
40 35100). With respect to a community or unincorporated region

1 that is not included within a district, and in which no city or
2 county provides parks or recreational areas or facilities, “district”
3 also means any other district that is authorized by statute to
4 operate and manage parks or recreational areas or facilities,
5 employs a full-time park and recreation director, offers
6 year-round park and recreation services on lands and facilities
7 owned by the district, and allocates a substantial portion of its
8 annual operating budget to parks or recreation areas or facilities.

9 (g) “Fund” means the California Clean Water, Clean Air, Safe
10 Neighborhood Parks, and Coastal Protection Fund of 2006
11 created pursuant to Section 5096.710.

12 (h) “Historical and cultural resources” includes, but is not
13 limited to, any object, building, structure, site, area, place, record,
14 book, artwork, manuscript, recording, film, negative, or digital
15 representation that is significant to California’s history, culture,
16 archaeology, or paleontology, including rights to use, display,
17 reproduce, or replicate, as appropriate.

18 (i) “Local conservation corps” means a program operated by a
19 public agency or nonprofit organization that meets the
20 requirements of Section 14406.

21 (j) “Nonprofit organization” means any nonprofit public
22 benefit corporation qualified to do business in California, and
23 qualified under Section 501(c)(3) of the Internal Revenue Code.

24 (k) “Preservation” means identification, evaluation,
25 recordation, documentation, interpretation, protection,
26 rehabilitation, restoration, stabilization, development, and
27 reconstruction, or any combination of those activities.

28 (l) “Secretary” means the Secretary of the Resources Agency.
29 5096.706. Lands or interests in land acquired with funds
30 allocated pursuant to this chapter shall be acquired from a willing
31 seller.

32

33 Article 2. The California Clean Water, Clean Air, Safe
34 Neighborhood Parks, and Coastal Protection Act of 2006

35

36 5096.710. The proceeds of bonds issued and sold pursuant to
37 this chapter shall be deposited in the California Clean Water,
38 Clean Air, Safe Neighborhood Parks, and Coastal Protection
39 Fund of 2006, which is hereby created. ~~Except as provided in~~
40 ~~subdivision (a) of Section 5096.750, the money in the fund shall~~

1 be available for appropriation by the Legislature, in the manner
2 set forth in this chapter, for acquisition, development, and
3 preservation projects, in accordance with the following schedule:

4 (a) ~~The sum of one billion dollars (\$1,000,000,000) for the~~
5 ~~acquisition, development, and differed maintenance of the state~~
6 ~~park system.~~

7 (b) ~~The sum of six hundred fifteen million dollars~~
8 ~~(\$615,000,000) for local assistance programs for the acquisition~~
9 ~~and development of neighborhood, community, and regional~~
10 ~~parks and recreation areas.~~

11 (c) ~~The sum of one billion two hundred fifty million dollars~~
12 ~~(\$1,250,000,000) for land, air, and water conservation programs,~~
13 ~~including acquisition for those purposes.~~

14 (d) ~~The sum of one hundred thirty-five million dollars~~
15 ~~(\$135,000,000) for the acquisition and preservation of~~
16 ~~California's historical and cultural resources. *The money in the*~~
17 ~~*fund shall be available, upon appropriation by the Legislature, in*~~
18 ~~*the manner set forth in this chapter, in accordance with the*~~
19 ~~*following schedule:*~~

20 (a) *One-third of the total amount of funds shall be allocated*
21 *for the acquisition, development, and deferred maintenance of*
22 *the state park system.*

23 (b) *One-third of the total amount of funds shall be allocated*
24 *for urban park programs.*

25 (c) *One-third of the total amount of funds shall be allocated*
26 *for all of the following:*

27 (1) *Nonurban local park assistance programs.*

28 (2) *Land, air, and water conservation programs.*

29 (3) *The California Farmland Conservancy Program Act*
30 *established pursuant to Division 10 (commencing with Section*
31 *10200).*

32 (4) *Historical and cultural resource preservation programs.*

33

34

Article 3. State Parks

35

36 ~~5096.715. The funds allocated pursuant to subdivision (a) of~~
37 ~~Section 5096.710~~

38 5096.715. ____ dollars (\$____) shall be available for
39 appropriation by the Legislature to the department as follows:

40 (a) Twenty percent for acquisition of the state park system.

- 1 (b) Forty percent for the development of the state park system.
- 2 (c) Forty percent for ~~differe~~ *deferred* maintenance of the state
- 3 park system.

4
5 Article 4. Local Assistance Programs *Urban Parks*

6
7 ~~5096.720. The six hundred fifteen million dollars~~
8 ~~(\$615,000,000) allocated pursuant to subdivision (b) of Section~~
9 ~~5096.710 shall be available for appropriation by the Legislature~~
10 ~~for local assistance programs, in accordance with the following~~
11 ~~schedule:~~

12 ~~(a) The sum of _____ dollars (\$ _____) to the department for grants,~~
13 ~~in accordance with Section 5096.721, and on the basis of~~
14 ~~population, for the acquisition and development of neighborhood,~~
15 ~~community, and regional parks and recreation lands and facilities~~
16 ~~in urban and rural areas.~~

17 ~~(b) The sum _____ dollars (\$ _____) to the department for grants, in~~
18 ~~accordance with the Roberti-Z'berg-Harris Urban Open-Space~~
19 ~~and Recreation Program Act (Chapter 3.2 (commencing with~~
20 ~~Section 5620)):~~

21 ~~(c) The sum of _____ dollars (\$ _____) to the department for grants~~
22 ~~for urban and special need park and recreation programs in~~
23 ~~accordance with the following schedule:~~

- 24
- 25 - - -
- 26 - - -
- 27 (1) ~~For the Murray-Hayden Urban Parks and Youth~~
28 ~~Service Program (Chapter 1.692.6 (commencing~~
29 ~~with Section 5096.348)) \$ _____~~
- 30 (2) ~~For the Urban Park Act of 2001 (Chapter 3~~
31 ~~(commencing with Section 5640)) \$ _____~~
- 32 (3) ~~For the California Youth Soccer and Recreation~~
33 ~~Development Program created pursuant to~~
34 ~~Section 5004.5..... \$ _____~~
- 35 (4) ~~For the State Urban Parks and Healthy~~
36 ~~Communities Act (Chapter 1.55 (commencing~~
37 ~~with Section 5095))..... \$ _____~~

38
39 ~~(d) The sum of _____ dollars (\$ _____) to the department for grants,~~
40 ~~for the development, improvement, rehabilitation, restoration,~~

1 enhancement, and interpretation of nonmotorized trails for the
2 purpose of increasing public access to, and enjoyment of, public
3 areas for increased recreational opportunities.

4 (e) The sum of ___ dollars (\$____) to the department for grants
5 to local agencies for the development and rehabilitation of senior
6 centers.

7 5096.721. (a) Sixty percent of the total funds available for
8 grants pursuant to subdivision (a) of Section 5096.720 shall be
9 allocated to cities and to districts other than a regional park
10 district, regional park and open-space district, or regional
11 open-space district. Each city's and district's allocation shall be
12 in the same ratio as the city's or district's population is to the
13 combined total of the state's population that is included in
14 incorporated areas and unincorporated areas within the district,
15 except that each city or district shall be entitled to a minimum
16 allocation of ___ dollars (\$____). In any instance in which the
17 boundary of a city overlaps the boundary of such a district, the
18 population in the area of overlapping jurisdiction shall be
19 attributed to each jurisdiction in proportion to the extent to which
20 each operates and manages parks and recreational areas and
21 facilities for that population. In any instance in which the
22 boundary of a city overlaps the boundary of such a district, and in
23 the area of overlap the city does not operate and manage parks
24 and recreational areas and facilities, all grant funds shall be
25 allocated to the district.

26 (b) Each city and each district subject to subdivision (a) whose
27 boundaries overlap shall develop a specific plan for allocating the
28 grant funds in accordance with the formula specified in
29 subdivision (a). If, by January 1, 2008, the plan has not been
30 agreed to by the city and district and submitted to the department,
31 the director shall determine the allocation of the grant funds
32 among the affected jurisdictions.

33 (c) Forty percent of the total funds available for grants
34 pursuant to subdivision (a) of Section 5096.720 shall be allocated
35 to counties and regional park districts, regional park and
36 open-space districts, or regional open-space districts formed
37 pursuant to Article 3 (commencing with Section 5500) of
38 Chapter 3.

1 ~~(d) Each county's allocation under subdivision (c) shall be in~~
2 ~~the same ratio as the county's population, except that each county~~
3 ~~shall be entitled to a minimum allocation of ___ dollars (\$ ____).~~

4 ~~(e) In a county that embraces all or part of the territory of a~~
5 ~~regional park district, regional park and open-space district, or~~
6 ~~regional open-space district, whose board of directors is not the~~
7 ~~county board of supervisors, the amount allocated to the county~~
8 ~~shall be apportioned between that district and the county in~~
9 ~~proportion to the population of the county that is included within~~
10 ~~the territory of the district and the population of the county that is~~
11 ~~outside the territory of the district.~~

12 ~~(f) In a county that currently embraces all or a part of the~~
13 ~~territory of a regional open-space district and an authority formed~~
14 ~~pursuant to Division 26 (commencing with Section 35100), the~~
15 ~~allocation shall be distributed between the county and the~~
16 ~~following entities:~~

17 ~~(1) The funds shall be apportioned between the district and the~~
18 ~~county in proportion to the population of the county that is~~
19 ~~included within the territory of the district, and the proportion of~~
20 ~~the population of the county that is outside the district. The~~
21 ~~amounts resulting from this calculation shall be known as the~~
22 ~~district's share, and the county's first balance. The district's share~~
23 ~~shall be allocated to the district. The county's first balance shall~~
24 ~~be further apportioned, as provided in paragraph (2).~~

25 ~~(2) The county's first balance, as determined in accordance~~
26 ~~with paragraph (1), shall be further apportioned between the~~
27 ~~authority and the county in proportion to the population of the~~
28 ~~county that is included within the territory of the authority, and~~
29 ~~the proportion of the population of the county that is outside the~~
30 ~~authority. The amounts resulting from this calculation shall be~~
31 ~~known as, the authority's share, and the county's second balance.~~

32 ~~(3) The authority's share shall be divided equally between the~~
33 ~~county and the authority. The county shall receive all of the~~
34 ~~county's second balance.~~

35 ~~(g) In a county that embraces all or part of the territory of a~~
36 ~~regional park district, regional park and open-space district, or~~
37 ~~regional open-space district, whose board of directors is not the~~
38 ~~county board of supervisors, the amount allocated to the county~~
39 ~~shall be apportioned between that district and the county in~~
40 ~~proportion to the population of the county that is included within~~

1 the territory of the district and the population of the county that is
2 outside the territory of the district.

3 ~~(h) For the purpose of making the calculations required by this~~
4 ~~section, population shall be determined by the department, in~~
5 ~~cooperation with the Department of Finance, on the basis of the~~
6 ~~most recent verifiable census data and other verifiable population~~
7 ~~data that the department may require to be furnished by the~~
8 ~~applicant city, county, or district.~~

9 ~~5096.724. (a) The director shall prepare and adopt criteria~~
10 ~~and procedures for evaluating applications for grants allocated~~
11 ~~pursuant to subdivisions (a) to (c), inclusive, of Section~~
12 ~~5096.720. Individual applications for funds shall be submitted to~~
13 ~~the department for approval as to their conformity with the~~
14 ~~requirements of this chapter. The application shall be~~
15 ~~accompanied by certification that the project for which the grant~~
16 ~~is requested is consistent with the park and recreation element of~~
17 ~~the applicable city or county general plan or the district park and~~
18 ~~recreation plan, as the case may be, and will satisfy a high~~
19 ~~priority need.~~

20 ~~(b) To utilize available grant funds as effectively as possible,~~
21 ~~overlapping or adjoining jurisdictions and applicants with similar~~
22 ~~objectives are encouraged to combine projects and submit a joint~~
23 ~~application. An applicant may allocate all or a portion of its per~~
24 ~~capita share for a regional or state project.~~

25 ~~(c) The director shall annually forward a statement of the total~~
26 ~~amount to be appropriated in each fiscal year for projects~~
27 ~~approved for grants pursuant to this article to the Director of~~
28 ~~Finance for inclusion in the annual Budget Bill. A list of eligible~~
29 ~~jurisdictions and the amount of grant funds to be allocated to~~
30 ~~each shall also be made available by the department.~~

31 ~~(d) Funds appropriated pursuant to this article shall be~~
32 ~~encumbered by the recipient within three years from the date the~~
33 ~~appropriation is effective. Regardless of the date of encumbrance~~
34 ~~of the granted funds, the recipient is expected to complete all~~
35 ~~funded projects within eight years of the effective date of the~~
36 ~~appropriation.~~

37 ~~5096.733. Any grant funds appropriated pursuant to this~~
38 ~~article that have not been expended by the grant recipient prior to~~
39 ~~July 1, 2014, shall revert to the fund and be available for~~
40 ~~appropriation by the Legislature for one or more of the local~~

1 assistance programs specified in Section 5096.720 that the
2 Legislature determines to be the highest priority statewide.

3

4 Article 5. Land, Air, and Water Conservation

5

6 5096.750. The one billion two hundred fifty million dollars
7 (\$1,250,000,000) allocated pursuant to subdivision (c) of Section
8 5096.710 shall be available for the acquisition and development
9 of land, air, and water resources in accordance with the following
10 schedule:

11 (a) Notwithstanding Section 13340 of the Government Code,
12 the sum of _____ dollars (\$ _____) is available, upon appropriation
13 by the Legislature, to the Wildlife Conservation Board for the
14 acquisition, development, rehabilitation, restoration, and
15 protection of habitat that promotes the recovery of threatened and
16 endangered species, that provides corridors linking separate
17 habitat areas to prevent habitat fragmentation, and that protects
18 significant natural landscapes and ecosystems such as old growth
19 redwoods and oak woodlands and other significant habitat areas;
20 and for grants and related state administrative costs pursuant to
21 the Wildlife Conservation Law of 1947 (Chapter 4 (commencing
22 with Section 1300) of Division 2 of the Fish and Game Code).
23 Funds scheduled in this subdivision may be used to prepare
24 management plans for properties acquired in fee by the Wildlife
25 Conservation Board.

26 (b) The sum of _____ dollars (\$ _____) to the conservancies in
27 accordance with the particular provisions of the statute creating
28 each conservancy for the acquisition, development,
29 rehabilitation, restoration, and protection of land and water
30 resources; and for grants and state administrative costs.

31 (c) The sum of _____ dollars (\$ _____) shall be available for grants
32 to public agencies and nonprofit organizations for acquisition,
33 development, restoration, and associated planning, permitting,
34 and administrative costs for the protection and restoration of
35 water resources in accordance with the following schedule:

36 (1) The sum of _____ dollars (\$ _____) to the secretary for the
37 acquisition and development of river parkways and for protecting
38 urban streams. The secretary shall make funds available in
39 accordance with the California River Parkways Act of 2004
40 (Chapter 3.8 (commencing with Section 5750)).

1 ~~(2) The sum of ___ dollars (\$____) shall be available for the~~
 2 ~~purposes of clean beaches, watershed protection, and water~~
 3 ~~quality projects to protect beaches, coastal waters, rivers, lakes,~~
 4 ~~and streams from contaminants, pollution, and other~~
 5 ~~environmental threats.~~

6 ~~(3) The sum of ___ dollars (\$____) shall be available to the~~
 7 ~~Ocean Protection Trust Fund (Chapter 4 (commencing with~~
 8 ~~Section 35650) of Division 26.5).~~

9 ~~(d) The sum of ___ dollars (\$____) to the State Air Resources~~
 10 ~~Board for grants to air districts pursuant to Chapter 9~~
 11 ~~(commencing with Section 44275) of Part 5 of Division 26 of the~~
 12 ~~Health and Safety Code for projects that reduce air pollution that~~
 13 ~~affects air quality in state and local park and recreation areas.~~
 14 ~~Eligible projects shall meet the requirements of Section 16727 of~~
 15 ~~the Government Code and shall be consistent with Section~~
 16 ~~43023.5 of the Health and Safety Code. Not more than 5 percent~~
 17 ~~of the funds allocated to a district may be used to cover the costs~~
 18 ~~associated with implementing the grant program.~~

19 ~~(e) The sum of ___ dollars (\$____) to the California~~
 20 ~~Conservation Corps for the acquisition, development, restoration,~~
 21 ~~and rehabilitation of land and water resources, and for grants and~~
 22 ~~state administrative costs, in accordance with the following~~
 23 ~~schedule:~~

24 ~~(1) The sum of ___ dollars (\$____) shall be available for~~
 25 ~~resource conservation activities.~~

26 ~~(2) The sum of ___ dollars (\$____) shall be available for grants~~
 27 ~~to local conservation corps for acquisition and development of~~
 28 ~~facilities to support local corps programs, and for local resource~~
 29 ~~conservation activities.~~

30 ~~(f) The sum of ___ dollars (\$____) shall be available for grants~~
 31 ~~for the preservation of agricultural lands and grazing lands,~~
 32 ~~including oak woodlands and grasslands.~~

33 ~~(g) The sum of ___ dollars (\$____) shall be available for grants~~
 34 ~~for forest conservation, including the protection of old growth~~
 35 ~~forests, redwoods, and the acquisition of conservation easements~~
 36 ~~on commercial timberlands.~~

1 ~~Article 6. Historical and Cultural Resources Preservation~~

2
3 ~~5096.752. (a) The one hundred thirty-five million dollars~~
4 ~~(\$135,000,000) allocated pursuant to subdivision (d) of Section~~
5 ~~5096.710 shall be available for appropriation by the Legislature~~
6 ~~to the California Cultural and Historical Endowment created~~
7 ~~pursuant to Chapter 13 (commencing with Section 20050) of Part~~
8 ~~11 of the Education Code for competitive grants for the~~
9 ~~acquisition and preservation of buildings, structures, sites, places,~~
10 ~~and artifacts that preserve and demonstrate culturally significant~~
11 ~~aspects of California's history and for grants for these purposes.~~

12
13 Article 7-5. Fiscal Provisions

14
15 5096.765. Bonds in the total amount of three billion dollars
16 (\$3,000,000,000), not including the amount of any refunding
17 bonds issued in accordance with Section 5096.777, or so much
18 thereof as is necessary, may be issued and sold to provide a fund
19 to be used for carrying out the purposes expressed in this chapter
20 and to be used to reimburse the General Obligation Bond
21 Expense Revolving Fund pursuant to Section 16724.5 of the
22 Government Code. The bonds, when sold, shall be and constitute
23 a valid and binding obligation of the State of California, and the
24 full faith and credit of the State of California is hereby pledged
25 for the punctual payment of the principal of, and interest on, the
26 bonds as the principal and interest become due and payable.

27 5096.766. The bonds authorized by this chapter shall be
28 prepared, executed, issued, sold, paid, and redeemed as provided
29 in the State General Obligation Bond Law (Chapter 4
30 (commencing with Section 16720) of Part 3 of Division 4 of Title
31 2 of the Government Code), and all of the provisions of that law
32 apply to the bonds and to this chapter and are hereby
33 incorporated in this chapter by this reference as though set forth
34 in full in this chapter.

35 5096.767. (a) Solely for the purpose of authorizing the
36 issuance and sale, pursuant to the State General Obligation Bond
37 Law, of the bonds authorized by this chapter, the California
38 Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal
39 Protection Act of 2006 Finance Committee is hereby created. For
40 purposes of this chapter, the California Clean Water, Clean Air,

1 Safe Neighborhood Parks, and Coastal Protection Act of 2006
2 Finance Committee is “the committee” as that term is used in the
3 State General Obligation Bond Law. The committee consists of
4 the Controller, the Director of Finance, and the Treasurer, or their
5 designated representatives. The Treasurer shall serve as
6 chairperson of the committee. A majority of the committee may
7 act for the committee.

8 (b) For purposes of the State General Obligation Bond Law,
9 the Secretary of the Resources Agency is designated the “board.”

10 5096.768. The committee shall determine whether or not it is
11 necessary or desirable to issue bonds authorized pursuant to this
12 chapter to carry out Section 5096.710 and, if so, the amount of
13 bonds to be issued and sold. Successive issues of bonds may be
14 authorized and sold to carry out those actions progressively, and
15 it is not necessary that all of the bonds authorized to be issued be
16 sold at any one time.

17 5096.770. There shall be collected each year and in the same
18 manner and at the same time as other state revenue is collected,
19 in addition to the ordinary revenues of the state, a sum in an
20 amount required to pay the principal of, and interest on, the
21 bonds each year. It is the duty of all officers charged by law with
22 any duty in regard to the collection of the revenue to do and
23 perform each and every act that is necessary to collect that
24 additional sum.

25 5096.771. Notwithstanding Section 13340 of the Government
26 Code, there is hereby appropriated from the General Fund in the
27 State Treasury, for the purposes of this chapter, an amount that
28 will equal the total of the following:

29 (a) The sum annually necessary to pay the principal of, and
30 interest on, bonds issued and sold pursuant to this chapter, as the
31 principal and interest become due and payable.

32 (b) The sum necessary to carry out Section 5096.772,
33 appropriated without regard to fiscal years.

34 5096.772. For purposes of carrying out this chapter, the
35 Director of Finance may authorize the withdrawal from the
36 General Fund of an amount not to exceed the amount of the
37 unsold bonds that have been authorized by the committee to be
38 sold for the purpose of carrying out this chapter. Any amount
39 withdrawn shall be deposited in the fund. Any money made
40 available under this section shall be returned to the General Fund

1 from proceeds received from the sale of bonds for the purpose of
2 carrying out this chapter.

3 5096.773. Pursuant to Chapter 4 (commencing with Section
4 16720) of Part 3 of Division 4 of Title 2 of the Government
5 Code, the cost of bond issuance shall be paid out of the bond
6 proceeds. These costs shall be shared proportionally by each
7 program funded through this bond act.

8 5096.774. Actual costs incurred in connection with
9 administering programs authorized under the categories specified
10 in Section 5096.710 shall be paid from the funds authorized by
11 this act.

12 5096.775. The secretary may request the Pooled Money
13 Investment Board to make a loan from the Pooled Money
14 Investment Account, including other authorized forms of interim
15 financing that include, but are not limited to, commercial paper,
16 in accordance with Section 16312 of the Government Code, for
17 purposes of carrying out this chapter. The amount of the request
18 shall not exceed the amount of the unsold bonds that the
19 committee, by resolution, has authorized to be sold for the
20 purpose of carrying out this chapter. The secretary shall execute
21 any documents required by the Pooled Money Investment Board
22 to obtain and repay the loan. Any amounts loaned shall be
23 deposited in the fund to be allocated by the board in accordance
24 with this chapter.

25 5096.776. All money deposited in the fund that is derived
26 from premium and accrued interest on bonds sold shall be
27 reserved in the fund and shall be available for transfer to the
28 General Fund as a credit to expenditures for bond interest.

29 5096.777. The bonds may be refunded in accordance with
30 Article 6 (commencing with Section 16780) of Chapter 4 of Part
31 3 of Division 4 of Title 2 of the Government Code, which is a
32 part of the State General Obligation Bond Law. Approval by the
33 voters of the state of the issuance of the bonds described in this
34 chapter includes the approval of the issuance of any bonds to
35 refund any bonds originally issued under this chapter or any
36 previously issued refunding bonds.

37 5096.778. Notwithstanding any provision of this chapter or
38 the State General Obligation Bond Law, if the Treasurer sells
39 bonds pursuant to this chapter that include a bond counsel
40 opinion to the effect that the interest on the bonds is excluded

1 from gross income for federal tax purposes, subject to designated
2 conditions, the Treasurer may maintain separate accounts for the
3 investment of bond proceeds and the investment earnings on
4 those proceeds. The Treasurer may use or direct the use of those
5 proceeds or earnings to pay any rebate, penalty, or other payment
6 required under federal law or to take any other action with
7 respect to the investment and use of those bond proceeds
8 required or desirable under federal law to maintain the
9 tax-exempt status of those bonds and to obtain any other
10 advantage under federal law on behalf of the funds of this state.

11 5096.779. (a) The Legislature hereby finds and declares that,
12 inasmuch as the proceeds from the sale of bonds authorized by
13 this chapter are not “proceeds of taxes” as that term is used in
14 Article XIII B of the California Constitution, the disbursement of
15 these proceeds is not subject to the limitations imposed by that
16 article.

17 (b) Funds provided pursuant to this chapter, and any
18 appropriation or transfer of those funds, shall not be deemed to
19 be a transfer of funds for the purposes of Chapter 9 (commencing
20 with Section 2780) of Division 3 of the Fish and Game Code.

21 5096.781. Except for funds continuously appropriated by this
22 chapter, all appropriations of funds pursuant to Section 5096.710
23 for purposes of the program shall be included in the annual
24 Budget Bill for the 2006-07 fiscal year, and each succeeding
25 fiscal year, for consideration by the Legislature, and shall bear
26 the label “California Clean Water, Clean Air, Safe Neighborhood
27 Parks, and Coastal Protection Program Fund of 2006.” The
28 annual Budget Bill section shall contain separate items for each
29 project, each class of project, or each element of the program for
30 which an appropriation is made.

31 5096.783. The secretary shall provide for an annual audit of
32 expenditures from this chapter.

33 SEC. 2. Section 1 of this act shall take effect upon adoption
34 by the voters of the California Clean Water, Clean Air, Safe
35 Neighborhood Parks, and Coastal Protection Act of 2006, as set
36 forth in Section 1 of this act.

37 SEC. 3. (a) Notwithstanding the requirements of any other
38 provision of law, the Secretary of State shall submit Section 1 of
39 this act to the voters at the 2006 statewide primary election.

1 (b) The Secretary of State shall ensure the placement of
2 Section 1 of this act on the 2006 primary election, statewide
3 ballot, in accordance with provisions of the Government Code
4 and the Elections Code governing the submission of statewide
5 measures to the voters.

6 (c) The Secretary of State shall include, in the ballot
7 pamphlets mailed pursuant to Section 9094 of the Elections
8 Code, the information specified in Section 9084 of the Elections
9 Code regarding the bond act set forth in Section 1 of this act.

10 SEC. 4. (a) (1) Notwithstanding any other provision of this
11 act, any bond authorized to be issued or sold pursuant to this act,
12 and any appropriation made in this act for any purpose, are set
13 forth for display purposes only and do not constitute an
14 appropriation, debt, or liability.

15 (2) Funds or bonds identified in this act, regardless of the
16 context, shall not be available, authorized, or issued for any
17 purpose until expressly appropriated, authorized, or issued by
18 another act.

19 (b) A portion of this act, or this act, shall not be submitted to
20 the voters of the State of California.