

AMENDED IN ASSEMBLY JULY 11, 2005

AMENDED IN ASSEMBLY JUNE 27, 2005

AMENDED IN SENATE JUNE 2, 2005

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 and Murray

**(Coauthors: Senators Alquist, Florez, Kehoe, Kuehl, Perata,
Simitian, Vincent, and Torlakson)**

(Coauthors: Assembly Members Berg, Bermudez, Evans, Karnette,
Klehs, Koretz, Laird, Leno, Nation, Nava, Pavley, 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 financing a program for the acquisition, development, improvement, preservation, rehabilitation, and restoration of agricultural, coastal, cultural, forest, historical, park, recreational, and water resources in the state, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing handling and disposition of those funds.

LEGISLATIVE COUNSEL'S DIGEST

SB 153, as amended, Chesbro. California Clean Water, 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 the California Clean Water, 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, improvement, preservation, rehabilitation, and restoration of agricultural, coastal, cultural, forest, historical, park, recreational, and water resources in the state, as specified, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of ~~\$3,595,000,000~~ \$3,865,000,000.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

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, SAFE
6 NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2006

7
8 Article 1. General Provisions
9

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

13 5096.701. (a) The Legislature finds and declares all of the
14 following:

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

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

1 (3) Public financial resources are inadequate to meet all of the
2 funding needs of local public park and recreation providers.

3 (4) There is an urgent need for safe, open, and accessible local
4 park and recreational facilities, and for increased recreational
5 opportunities that provide positive alternatives to social
6 problems.

7 5096.705. As used in this chapter, the following terms have
8 the following meanings:

9 (a) “Acquisition of real property” means obtaining the fee title
10 or a lesser interest in real property, including, specifically, a
11 conservation easement or development rights. “Acquisition” with
12 respect to historical and cultural resources means securing
13 ownership by purchase, option to purchase, gift, exchange,
14 dedication, or any combination, including rights to use, display,
15 reproduce, or replicate, as appropriate.

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

19 (c) “Department” means the Department of Parks and
20 Recreation.

21 (d) “Development” includes, but is not limited to,
22 improvement, rehabilitation, restoration, enhancement,
23 preservation, protection, and interpretation.

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

25 (f) “District” means a regional park district, regional park and
26 open-space district, or regional open-space district formed
27 pursuant to Article 3 (commencing with Section 5500) of
28 Chapter 3, a recreation and park district formed pursuant to
29 Chapter 4 (commencing with Section 5780), or an authority
30 formed pursuant to Division 26 (commencing with Section
31 35100). With respect to a community or unincorporated region
32 that is not included within a district, and in which no city or
33 county provides parks or recreational areas or facilities, “district”
34 also means any other district that is authorized by statute to
35 operate and manage parks or recreational areas or facilities,
36 employs a full-time park and recreation director, offers
37 year-round park and recreation services on lands and facilities
38 owned by the district, and allocates a substantial portion of its
39 annual operating budget to parks or recreation areas or facilities.

1 (g) “Fund” means the California Clean Water, Safe
2 Neighborhood Parks, and Coastal Protection Fund of 2006
3 created pursuant to Section 5096.710.

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

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

13 (j) “Nonprofit organization” means a nonprofit public benefit
14 corporation qualified to do business in California, and qualified
15 under Section 501(c) (3) of the Internal Revenue Code.

16 (k) “Preservation” means identification, evaluation,
17 recordation, documentation, interpretation, protection,
18 rehabilitation, stabilization, development, and reconstruction, or
19 any combination of those activities.

20 (l) “Restoration” means the improvement of a physical
21 structure or facility and, in the case of natural system and
22 landscape features includes, but is not limited to, a project for the
23 control of erosion, the control and elimination of exotic species,
24 including prescribed burning, fencing out threats to existing or
25 restored natural resources, road elimination, and other plant and
26 wildlife habitat improvement to increase the natural system value
27 of the property. A restoration project shall include the planning,
28 monitoring and reporting necessary to ensure successful
29 implementation of the project objectives.

30 (m) “Secretary” means the Secretary of the Resources Agency.
31 5096.706. Land or an interest in land acquired with funds
32 allocated pursuant to this chapter shall be acquired from a willing
33 seller.

34

35 Article 2. The California Clean Water, Safe Neighborhood
36 Parks, and Coastal Protection Act of 2006

37

38 5096.710. The proceeds of bonds issued and sold pursuant to
39 this chapter shall be deposited in the California Clean Water,
40 Safe Neighborhood Parks, and Coastal Protection Fund of 2006,

1 which is hereby created. Except as specifically provided in this
2 chapter, the money in the fund shall be available for
3 appropriation by the Legislature, in the manner set forth in this
4 chapter, for acquisition, development, restoration and
5 preservation projects, in accordance with the following schedule:

6 ~~(a) The sum of one billion seven hundred and twenty million~~
7 ~~dollars (\$1,720,000,000) for neighborhood, community and~~
8 ~~regional parks and recreation areas.~~

9 ~~(b) The sum of one billion three hundred million dollars~~
10 ~~(\$1,300,000,000) for state parks and wildlife protection.~~

11 ~~(c) The sum of five hundred seventy-five million dollars~~
12 ~~(\$575,000,000) for water quality and coastal protection.~~

13 *(a) The sum of one billion seven hundred forty million dollars*
14 *(\$1,740,000,000) for neighborhood, community, and regional*
15 *parks and recreational areas.*

16 *(b) The sum of one billion three hundred million dollars*
17 *(\$1,300,000,000) for state parks and wildlife protection.*

18 *(c) The sum of eight hundred twenty-five million dollars*
19 *(\$825,000,000) for water quality and coastal protection.*

20

21 Article 3. Neighborhood, Community and Regional Parks and
22 Recreation Areas

23

24 5096.720. The sum of one billion seven hundred ~~and twenty~~
25 ~~million (\$1,720,000,000)~~ *forty million dollars (\$1,740,000,000)*
26 allocated pursuant to subdivision (a) of Section 5096.710 shall be
27 available for appropriation by the Legislature in accordance with
28 the following schedule:

29 (a) The sum of five hundred million dollars (\$500,000,000) to
30 the department for local assistance grants, in accordance with
31 Section 5096.750, and on the basis of population, for the
32 acquisition, restoration and development of neighborhood,
33 community, and regional parks and recreation lands and
34 facilities.

35 (b) The sum of five hundred million dollars (\$500,000,000) to
36 the department for grants for urban and special needs park and
37 recreation programs and facilities in accordance with the
38 following schedule:

39 (1) For the Murray-Hayden Urban
40 Parks and Youth Service

- 1 Program (Chapter 1.692.6
- 2 (commencing with Section
- 3 5096.348))..... \$150,000,000
- 4 (2) For the Urban Park Act of 2001
- 5 (Chapter 3 (commencing with
- 6 Section 5640))\$150,000,000
- 7 (3) For the California Youth
- 8 Soccer and Recreation
- 9 Development Program created
- 10 pursuant to Section 5004.5..... \$100,000,000
- 11 (4) For the State Urban Parks and
- 12 Healthy Communities Act
- 13 (Chapter 1.55 (commencing with
- 14 Section 5095))..... \$100,000,000
- 15 (d) The sum of fifty million dollars (\$50,000,000) to the
- 16 department for grants, for the development, improvement,
- 17 rehabilitation, restoration, enhancement, and interpretation of
- 18 nonmotorized trails including, *but not limited to, the San*
- 19 *Francisco Bay Trail, the San Francisco Bay Water Trail and the*
- 20 *California Coastal Trail* for the purpose of increasing public
- 21 access to, and enjoyment of, public areas for increased
- 22 recreational opportunities.
- 23 (e) The sum of three hundred million dollars (\$300,000,000)
- 24 to state conservancies that provide regional parks and
- 25 recreational areas, in accordance with the particular provisions of
- 26 the statute creating each conservancy, for acquisition,
- 27 development, restoration and interpretation, and for grants for
- 28 these purposes, according to the following schedule:
- 29 (1) To the Baldwin Hills Conservancy.....\$40,000,000
- 30 (2) To the San Gabriel and Lower Los Angeles Rivers and
- 31 Mountains Conservancy.....\$40,000,000
- 32 (3) To the San Francisco Bay Area Conservancy
- 33 Program....\$40,000,000
- 34 (4) To the Santa Monica Mountains
- 35 Conservancy.....\$40,000,000
- 36 (5) To the Sierra Nevada Conservancy.....\$40,000,000
- 37 (6) To the California Tahoe Conservancy.....\$40,000,000
- 38 (7) To the Coachella Valley Mountains Conservancy.....
- 39 \$20,000,000
- 40 (8) To the San Joaquin River Conservancy..... \$30,000,000

1 (9) To the San Diego River Conservancy.....\$10,000,000

2 (f) The sum of thirty million dollars (\$30,000,000) to the
3 California Conservation Corps for the acquisition, development,
4 restoration, and rehabilitation of land and water resources, and
5 for grants and state administrative costs, in accordance with the
6 following schedule:

7 (1) The sum of fifteen million dollars (\$15,000,000) shall be
8 available for resource conservation projects.

9 (2) The sum of fifteen million dollars (\$15,000,000) shall be
10 available for grants to local conservation corps for acquisition,
11 restoration, and development of facilities to support local corps
12 programs, and for local resource conservation activities. to
13 improve public safety and improve and restore natural resources
14 including regional and community fuel load reduction projects on
15 public lands, and stream and river restoration projects.

16 (g) The sum of one hundred million dollars (\$100,000,000)
17 shall be available for appropriation to the California Cultural and
18 Historical Endowment created pursuant to Chapter 13
19 (commencing with Section 20050) of Part 11 of the Education
20 Code for competitive grants for the acquisition and preservation
21 of buildings, structures, sites, places, and artifacts that preserve
22 and demonstrate culturally significant aspects of California's
23 history and for grants for these purposes.

24 (h) The sum of fifty million dollars (\$50,000,000) to the
25 department for grants to natural history museums, aquariums,
26 and botanical gardens that combine the study of natural science
27 with preservation, demonstration, and education programs that
28 serve diverse populations. Grants may be used for buildings,
29 structures, and exhibit galleries that present the collections to
30 inspire and educate the public.

31 (i) The sum of one hundred fifty million dollars
32 (\$150,000,000) to the department for grants for the acquisition,
33 development, and restoration of regional parks that are outside of
34 the areas served by the conservancies listed in subdivision (e)
35 and that serve multiple neighborhoods or communities, and that
36 provide access to recreational opportunities that are lacking or
37 limited within the region served or that provide a unique
38 resources protection opportunity within the region.

39 ~~(j) The sum of thirty million dollars (\$30,000,000) shall be~~
40 ~~available to the State Coastal Conservancy for grants for~~

1 ~~acquisition, development, and restoration to expand the Santa~~
2 ~~Ana River Parkway. Grants shall be equally divided between~~
3 ~~projects in Orange, San Bernardino, and Riverside Counties.~~

4 *(j) The sum of fifty million dollars (\$50,000,000) shall be*
5 *available to the State Coastal Conservancy for grants for*
6 *acquisition, development, and restoration to expand the Santa*
7 *Ana River Parkway. Of the funds provided by this subdivision,*
8 *twenty million dollars (\$20,000,000) shall be available for park*
9 *projects adjacent to the mouth of the Santa Ana River. The*
10 *remainder of the funds provided shall be equally divided between*
11 *projects in Orange, San Bernardino, and Riverside Counties.*

12 *(k) The sum of ten million dollars (\$10,000,000) to the*
13 *Department of Forestry and Fire Protection for grants for urban*
14 *forestry programs pursuant to the California Urban Forestry Act*
15 *(Chapter 2 (commencing with Section 4799.06) of Part 2.5 of*
16 *Division 1).*

17
18 Article 4. State Parks and Wildlife Protection

19
20 5096.730. The one billion three hundred million dollars
21 (\$1,300,000,000) allocated pursuant to subdivision (b) of Section
22 5096.710 shall be available in accordance with the following
23 schedule:

24 *(a) The sum of five hundred million dollars (\$500,000,000)*
25 *shall be available for appropriation by the Legislature to the*
26 *department for acquisition, development, interpretation,*
27 *restoration, and rehabilitation of the state park system and its*
28 *natural, historical, and visitor serving resources. The department*
29 *shall include the following goals in setting spending priorities for*
30 *the funds appropriated pursuant to this section:*

31 *(1) The restoration, rehabilitation, and improvement of*
32 *existing state park system lands and facilities.*

33 *(2) The expansion of the state park system to reflect the*
34 *growing population and shifting population centers and needs of*
35 *the state.*

36 *(3) The protection of representative natural resources based on*
37 *the criteria and priorities identified in Section 5096.754.*

38 *(4) Not less than thirty million dollars (\$30,000,000) shall be*
39 *expended for the expansion, development, and restoration of*
40 *state park lands administered by local agencies.*

1 (b) Notwithstanding Section 13340 of the Government Code,
 2 the sum of three hundred million dollars (\$300,000,000) is
 3 hereby continuously appropriated to the Wildlife Conservation
 4 Board for the acquisition, development, rehabilitation,
 5 restoration, and protection of habitat that promotes the recovery
 6 of threatened and endangered species, that provides corridors
 7 linking separate habitat areas to prevent habitat fragmentation,
 8 and that protects significant natural landscapes and ecosystems
 9 such as old growth redwoods and oak woodlands, riparian and
 10 wetland areas, and other significant habitat areas, for grants for
 11 these purposes, and for related state administrative costs,
 12 pursuant to the Wildlife Conservation Law of 1947 (Chapter 4
 13 (commencing with Section 1300) of Division 2 of the Fish and
 14 Game Code). *Not less than thirty million dollars (\$30,000,000)*
 15 *shall be used for projects to protect and restore wetlands and*
 16 *watershed habitat that support the Pacific Flyway.* Funds
 17 scheduled in this subdivision may be used to prepare
 18 management plans for properties acquired by the Wildlife
 19 Conservation Board and for the development of scientific data,
 20 habitat mapping, and other research information necessary to
 21 determine the priorities for restoration and acquisition statewide.

22 (c) The sum of one hundred million dollars (\$100,000,000)
 23 shall be available for grants for the preservation of agricultural
 24 lands, grazing lands, and oak woodlands pursuant to the
 25 following schedule:

26 (1) Agricultural lands preservation pursuant to the Farmland
 27 Conservancy Program (Article 1 (commencing with Section
 28 10200) of Division 10.2).....\$25,000,000

29 (2) Grazing land preservation pursuant to the California
 30 Rangeland, Grazing Land and Grassland Protection Act of 2002
 31 (commencing with Section 10330 of Division
 32 10.4).....\$50,000,000

33 (3) Oak Woodland Preservation pursuant to the Article 3.5
 34 (commencing with section 1360) of Chapter 4 of Division 2 of
 35 the Fish and Game Code.....\$25,000,000

36 (d) The sum of two hundred fifty million dollars
 37 (\$250,000,000) shall be available to the Wildlife Conservation
 38 Board and the California Coastal Conservancy for Conserving
 39 California’s Forests, a grant program which is hereby created.
 40 The program shall promote the ecological integrity and economic

1 stability of California’s diverse native forests for all their public
2 benefits through forest conservation, preservation, and
3 restoration of productive managed forest lands, forest reserve
4 areas, redwood forests, and other forest types, including the
5 conservation of water resources and natural habitats for native
6 fish, wildlife, and plants found on these lands.

7 (e) The sum of one hundred fifty million dollars
8 (\$150,000,000) shall be available to the Wildlife Conservation
9 Board for grants to implement or to assist in the establishment of
10 Natural Community Conservation Plans (Chapter 10 of Division
11 3 of the Fish and Game Code (commencing with Section 2800)).
12

13 Article 5. Clean Water and Coastal Protection
14

15 5096.740. ~~The five hundred seventy-five million dollars~~
16 ~~(\$575,000,000)~~ *eight hundred twenty-five million dollars*
17 *(\$825,000,000)* allocated pursuant to subdivision (c) of Section
18 5096.710 shall be available in accordance with the following
19 schedule:

20 ~~(a) The sum of two hundred million dollars (\$200,000,000) to~~
21 ~~(a) The sum of two hundred fifty million dollars~~
22 ~~(\$250,000,000) to the State Coastal Conservancy for the~~
23 ~~acquisition, development, rehabilitation, restoration, and~~
24 ~~protection of land and water resources; and for grants and state~~
25 ~~administrative costs in accordance to the provisions of with~~
26 ~~Division 21 (commencing with Section 31000).~~

27 ~~(b) The sum of two hundred million dollars (\$200,000,000)~~
28 ~~shall be available for the purposes of clean beaches, watershed~~
29 ~~protection, and water quality projects to protect beaches, coastal~~
30 ~~waters, rivers, lakes, and streams from contaminants, pollution,~~
31 ~~and other environmental threats.~~

32 ~~(b) The sum of four hundred million dollars (\$400,000,000)~~
33 ~~shall be available for the purposes of clean beaches, water~~
34 ~~quality, and integrated regional water management projects~~
35 ~~according to the following schedule:~~

36 ~~(1) To the State Water Resources Control Board for the Clean~~
37 ~~Beaches Program (Chapter 3 (commencing with Section 30915)~~
38 ~~of Division~~

39 20.4) \$100,000,000

1 (2) *To the Department of Water Resources for the Integrated*
 2 *Regional Water Management Program (Chapter 8 (commencing*
 3 *with Section 79560) of Division 26.5 of the Water Code)*
 4 \$200,000,000

5 (3) *To the State Water Resources Control Board to reduce*
 6 *mercury contamination in state waters. Projects shall be*
 7 *designed to limit the availability of methylmercury to aquatic life*
 8 *in the mercury impaired waterways determined pursuant to the*
 9 *federal Clean Water Act (33 U.S.C. Section 1313(d))*
 10 \$100,000,000

11 ~~(e) The sum of seventy-five million dollars (\$75,000,000)~~
 12 ~~shall~~

13 (c) *The sum of fifty million dollars (\$50,000,000) shall be*
 14 *available to the secretary for acquisition, development,*
 15 *restoration, and for planning purposes in accordance with the*
 16 *California River Parkways Act of 2004 (Chapter 3.8*
 17 *(commencing with Section 5750)).*

18 (d) *The sum of one hundred million dollars (\$100,000,000)*
 19 *shall be allocated to the Ocean Protection Trust Fund (Chapter 4*
 20 *(commencing with Section 35650) of Division 26.5) and*
 21 *available for appropriation to the State Coastal Conservancy for*
 22 *the purposes of projects consistent with Section 35650. Priority*
 23 *projects shall include the development of scientific data needed*
 24 *to manage the state’s marine resources, including the*
 25 *development of marine habitat maps, and loans and grants to*
 26 *foster sustainable fisheries.*

27 (e) *The sum of twenty-five million dollars (\$25,000,000) shall*
 28 *be available to the Department of Water Resources for urban*
 29 *stream restoration projects pursuant to Section 7048 of the*
 30 *Water Code.*

31
 32 Article 6. Miscellaneous Provisions

33
 34 5096.750. (a) *Sixty percent of the total funds available for*
 35 *grants pursuant to subdivision (a) of Section 5096.720 shall be*
 36 *allocated to cities and to districts other than a regional park*
 37 *district, regional park and open-space district, or regional*
 38 *open-space district. Each city’s and district’s allocation shall be*
 39 *in the same ratio as the city’s or district’s population is to the*
 40 *combined total of the state’s population that is included in*

1 incorporated areas and unincorporated areas within the district,
2 except that each city or district shall be entitled to a minimum
3 allocation of two hundred fifty thousand dollars (\$250,000). In
4 any instance in which the boundary of a city overlaps the
5 boundary of such a district, the population in the area of
6 overlapping jurisdiction shall be attributed to each jurisdiction in
7 proportion to the extent to which each operates and manages
8 parks and recreational areas and facilities for that population. In
9 any instance in which the boundary of a city overlaps the
10 boundary of such a district, and in the area of overlap the city
11 does not operate and manage parks and recreational areas and
12 facilities, all grant funds shall be allocated to the district.

13 (b) Each city and each district subject to subdivision (a) whose
14 boundaries overlap shall develop a specific plan for allocating the
15 grant funds in accordance with the formula specified in
16 subdivision (a). If, by January 1, 2008, the plan has not been
17 agreed to by the city and district and submitted to the department,
18 the director shall determine the allocation of the grant funds
19 among the affected jurisdictions.

20 (c) Forty percent of the total funds available for grants
21 pursuant to subdivision (a) of Section 5096.720 shall be allocated
22 to counties and regional park districts, regional park and
23 open-space districts, or regional open-space districts formed
24 pursuant to Article 3 (commencing with Section 5500) of
25 Chapter 3.

26 (d) Each county's allocation under subdivision (c) shall be in
27 the same ratio as the county's population, except that each county
28 shall be entitled to a minimum allocation of five hundred
29 thousand dollars (\$500,000).

30 (e) In a county that embraces all or part of the territory of a
31 regional park district, regional park and open-space district, or
32 regional open-space district, whose board of directors is not the
33 county board of supervisors, the amount allocated to the county
34 shall be apportioned between that district and the county in
35 proportion to the population of the county that is included within
36 the territory of the district and the population of the county that is
37 outside the territory of the district.

38 (f) In a county that currently embraces all or a part of the
39 territory of a regional open-space district and an authority formed
40 pursuant to Division 26 (commencing with Section 35100), the

1 allocation shall be distributed between the county and the
2 following entities:

3 (1) The funds shall be apportioned between the district and the
4 county in proportion to the population of the county that is
5 included within the territory of the district, and the proportion of
6 the population of the county that is outside the district. The
7 amounts resulting from this calculation shall be known as the
8 district's share, and the county's first balance. The district's share
9 shall be allocated to the district. The county's first balance shall
10 be further apportioned, as provided in paragraph (2).

11 (2) The county's first balance, as determined in accordance
12 with paragraph (1), shall be further apportioned between the
13 authority and the county in proportion to the population of the
14 county that is included within the territory of the authority, and
15 the proportion of the population of the county that is outside the
16 authority. The amounts resulting from this calculation shall be
17 known as the authority's share and the county's second balance.

18 (3) The authority's share shall be divided equally between the
19 county and the authority. The county shall receive all of the
20 county's second balance.

21 (g) In a county that embraces all or part of the territory of a
22 regional park district, regional park and open-space district, or
23 regional open-space district, whose board of directors is not the
24 county board of supervisors, the amount allocated to the county
25 shall be apportioned between that district and the county in
26 proportion to the population of the county that is included within
27 the territory of the district and the population of the county that is
28 outside the territory of the district.

29 (h) For the purpose of making the calculations required by this
30 section, population shall be determined by the department, in
31 cooperation with the Department of Finance, on the basis of the
32 most recent verifiable census data and other verifiable population
33 data that the department may require to be furnished by the
34 applicant city, county, or district.

35 5096.751. (a) The director shall prepare and adopt criteria
36 and procedures for evaluating applications for grants allocated
37 pursuant to subdivisions (a) of Section 5096.720. Individual
38 applications for funds shall be submitted to the department for
39 approval as to their conformity with the requirements of this
40 chapter. The application shall be accompanied by certification

1 that the project for which the grant is requested is consistent with
2 the park and recreation element of the applicable city or county
3 general plan or the district park and recreation plan, as the case
4 may be, and will satisfy a high priority need.

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

10 (c) The director shall annually forward a statement of the total
11 amount to be appropriated in each fiscal year for projects
12 approved for grants pursuant to this article to the Director of
13 Finance for inclusion in the annual Budget Bill. A list of eligible
14 jurisdictions and the amount of grant funds to be allocated to
15 each shall also be made available by the department.

16 (d) Funds appropriated pursuant to subdivision (a) of Section
17 5096.720 shall be encumbered by the recipient within three years
18 from the date the appropriation is effective. Regardless of the
19 date of encumbrance of the granted funds, the recipient is
20 expected to complete all funded projects within eight years of the
21 effective date of the appropriation.

22 5096.753. Any grant funds appropriated pursuant to
23 subdivision (a) of Section 5096.720 that have not been expended
24 by the grant recipient prior to July 1, 2014, shall revert to the
25 fund and be available for appropriation by the Legislature for one
26 or more of the local assistance programs specified in Section
27 5096.720 that the Legislature determines to be the highest
28 priority statewide.

29 5096.754. In evaluating potential acquisitions for the purpose
30 of natural resource protection, the department, the Wildlife
31 Conservation Board, and the State Coastal Conservancy shall
32 give priority to projects that demonstrate the following
33 characteristics:

34 (a) Properties that link to, or contribute to linking, existing
35 protected areas with other large blocks of protected habitat.
36 Linkages must serve to connect existing protected areas, facilitate
37 wildlife movement or botanical transfer, and result in sustainable
38 combined acreage.

1 (b) Properties that contribute to long-term protection of
2 watersheds that provide natural resource values to one of the
3 major biological regions of the state.

4 (c) Habitat in the biological regions of California that have the
5 least amount of protected lands.

6 (d) Properties that support relatively large areas of
7 under-protected major habitat types. The Resources Agency shall
8 identify these under-protected habitat types.

9 5096.755. Up to 10 percent of funds allocated for each
10 program funded by this article may be used to finance planning
11 and monitoring necessary for the successful design, selection,
12 and implementation of the projects authorized under that
13 program.

14 5096.756. The department shall encourage the development
15 of multiple benefit, joint use projects on existing public lands and
16 the acquisition of surplus school lands in making grants pursuant
17 to subdivision (b) of Section 5096.720.

18 5096.757. Funds scheduled in this chapter that are not
19 designated for competitive bid programs may also be used for the
20 purposes of reimbursing the General Fund, pursuant to the
21 Natural Heritage Preservation Tax Credit Act of 2000 (Division
22 28 (commencing with Section 37000)).

23 5096.758. Chapter 3.5 (commencing with Section 11340) of
24 Part 1 of Division 3 of Title 2 of the Government Code does not
25 apply to the development and adoption of program guidelines
26 and selection criteria adopted pursuant to this chapter.

27 5096.759. Funds provided pursuant to this chapter, and any
28 appropriation or transfer of those funds, shall not be deemed to
29 be a transfer of funds for the purposes of Chapter 9 (commencing
30 with Section 2780) of Division 3 of the Fish and Game Code.

31
32 Article 7. Fiscal Provisions

33
34 5096.765. Bonds in the total amount of three billion ~~five~~
35 ~~hundred ninety-five million dollars (\$3,595,000,000)~~ *eight*
36 *hundred sixty-five million dollars (\$3,865,000,000)*, not
37 including the amount of any refunding bonds issued in
38 accordance with Section 5096.777, or so much thereof as is
39 necessary, may be issued and sold to provide a fund to be used
40 for carrying out the purposes expressed in this chapter and to be

1 used to reimburse the General Obligation Bond Expense
2 Revolving Fund pursuant to Section 16724.5 of the Government
3 Code. The bonds, when sold, shall be and constitute a valid and
4 binding obligation of the State of California, and the full faith
5 and credit of the State of California is hereby pledged for the
6 punctual payment of the principal of, and interest on, the bonds
7 as the principal and interest becomes due and payable.

8 5096.766. The bonds authorized by this chapter shall be
9 prepared, executed, issued, sold, paid, and redeemed as provided
10 in the State General Obligation Bond Law (Chapter 4
11 (commencing with Section 16720) of Part 3 of Division 4 of Title
12 2 of the Government Code), and all of the provisions of that law
13 apply to the bonds and to this chapter and are hereby
14 incorporated in this chapter by this reference as though set forth
15 in full in this chapter.

16 5096.767. (a) Solely for the purpose of authorizing the
17 issuance and sale, pursuant to the State General Obligation Bond
18 Law, of the bonds authorized by this chapter, the California
19 Clean Water, Safe Neighborhood Parks and Coastal Protection
20 Act of 2006 Finance Committee is hereby created. For purposes
21 of this chapter, the California Clean Water, Safe Neighborhood
22 Parks, and Coastal Protection Act of 2006 Finance Committee is
23 “the committee” as that term is used in the State General
24 Obligation Bond Law. The committee consists of the Controller,
25 the Director of Finance, and the Treasurer, or their designated
26 representatives. The Treasurer shall serve as chairperson of the
27 committee. A majority of the committee may act for the
28 committee.

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

31 5096.768. The committee shall determine whether or not it is
32 necessary or desirable to issue bonds authorized pursuant to this
33 chapter to carry out Section 5096.710 and, if so, the amount of
34 bonds to be issued and sold. Successive issues of bonds may be
35 authorized and sold to carry out those actions progressively, and
36 it is not necessary that all of the bonds authorized to be issued be
37 sold at any one time.

38 5096.770. There shall be collected each year and in the same
39 manner and at the same time as other state revenue is collected,
40 in addition to the ordinary revenues of the state, a sum in an

1 amount required to pay the principal of, and interest on, the
2 bonds each year. It is the duty of all officers charged by law with
3 any duty in regard to the collection of the revenue to do and
4 perform each and every act that is necessary to collect that
5 additional sum.

6 5096.771. Notwithstanding Section 13340 of the Government
7 Code, there is hereby appropriated from the General Fund in the
8 State Treasury, for the purposes of this chapter, an amount that
9 will equal the total of the following:

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

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

15 5096.772. For purposes of carrying out this chapter, the
16 Director of Finance may authorize the withdrawal from the
17 General Fund of an amount not to exceed the amount of the
18 unsold bonds that have been authorized by the committee to be
19 sold for the purpose of carrying out this chapter. Any amount
20 withdrawn shall be deposited in the fund. Any money made
21 available under this section shall be returned to the General Fund
22 from proceeds received from the sale of bonds for the purpose of
23 carrying out this chapter.

24 5096.773. Pursuant to Chapter 4 (commencing with Section
25 16720) of Part 3 of Division 4 of Title 2 of the Government
26 Code, the cost of bond issuance shall be paid out of the bond
27 proceeds. These costs shall be shared proportionally by each
28 program funded through this bond act.

29 5096.774. Actual costs incurred in connection with
30 administering programs authorized under the categories specified
31 in Section 5096.710 shall be paid from the funds authorized by
32 this act.

33 5096.775. The secretary may request the Pooled Money
34 Investment Board to make a loan from the Pooled Money
35 Investment Account, including other authorized forms of interim
36 financing that include, but are not limited to, commercial paper,
37 in accordance with Section 16312 of the Government Code, for
38 purposes of carrying out this chapter. The amount of the request
39 shall not exceed the amount of the unsold bonds that the
40 committee, by resolution, has authorized to be sold for the

1 purpose of carrying out this chapter. The secretary shall execute
2 any documents required by the Pooled Money Investment Board
3 to obtain and repay the loan. Any amounts loaned shall be
4 deposited in the fund to be allocated by the board in accordance
5 with this chapter.

6 5096.776. All money deposited in the fund that is derived
7 from premium and accrued interest on bonds sold shall be
8 reserved in the fund and shall be available for transfer to the
9 General Fund as a credit to expenditures for bond interest.

10 5096.777. The bonds may be refunded in accordance with
11 Article 6 (commencing with Section 16780) of Chapter 4 of Part
12 3 of Division 4 of Title 2 of the Government Code, which is a
13 part of the State General Obligation Bond Law. Approval by the
14 voters of the state of the issuance of the bonds described in this
15 chapter includes the approval of the issuance of any bonds to
16 refund any bonds originally issued under this chapter or any
17 previously issued refunding bonds.

18 5096.778. Notwithstanding any provision of this chapter or
19 the State General Obligation Bond Law, if the Treasurer sells
20 bonds pursuant to this chapter that include a bond counsel
21 opinion to the effect that the interest on the bonds is excluded
22 from gross income for federal tax purposes, subject to designated
23 conditions, the Treasurer may maintain separate accounts for the
24 investment of bond proceeds and the investment earnings on
25 those proceeds. The Treasurer may use or direct the use of those
26 proceeds or earnings to pay any rebate, penalty, or other payment
27 required under federal law or to take any other action with
28 respect to the investment and use of those bond proceeds
29 required or desirable under federal law to maintain the
30 tax-exempt status of those bonds and to obtain any other
31 advantage under federal law on behalf of the funds of this state.

32 5096.779. ~~(a)~~—The Legislature hereby finds and declares that,
33 inasmuch as the proceeds from the sale of bonds authorized by
34 this chapter are not “proceeds of taxes” as that term is used in
35 Article XIII B of the California Constitution; the disbursement of
36 these proceeds is not subject to the limitations imposed by that
37 article.

38 5096.781. Except for funds continuously appropriated by this
39 chapter, all appropriations of funds pursuant to Section 5096.710
40 for purposes of the program shall be included in the annual

1 Budget Bill for the 2006-07 fiscal year, and each succeeding
2 fiscal year, for consideration by the Legislature, and shall bear
3 the label “California Clean Water, Safe Neighborhood Parks, and
4 Coastal Protection Program Fund of 2006.” The annual Budget
5 Bill section shall contain separate items for each project, each
6 class of project, or each element of the program for which an
7 appropriation is made.

8 5096.783. The secretary shall provide for an annual audit of
9 expenditures from this chapter.

10 SEC. 2. Section 1 of this act shall take effect upon adoption
11 by the voters of the California Clean Water, Safe Neighborhood
12 Parks, and Coastal Protection Act of 2006, as set forth in Section
13 1 of this act.

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

17 (b) The Secretary of State shall ensure the placement of
18 Section 1 in accordance with provisions of the Government Code
19 and the Elections Code governing the submission of statewide
20 measures to the voters.

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