

AMENDED IN ASSEMBLY AUGUST 24, 2006  
AMENDED IN ASSEMBLY JUNE 19, 2006  
AMENDED IN ASSEMBLY SEPTEMBER 2, 2005  
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**

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**Introduced by Senators Chesbro and Murray**

February 8, 2005

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An act to add Chapter 1.57 (commencing with Section 5095.10) and Chapter 1.58 (commencing with Section 5095.20) to Division 5 of the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

SB 153, as amended, Chesbro. Parks and recreation.

(1) 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.

~~There is with the Secretary of State, pending signature verification, the~~

*The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (the initiative), for inclusion in which is on the ballot for the November 7, 2006, statewide general election. The initiative, if placed on the ballot and, if adopted by the voters, among other things, would make \$580,000,000 in bond funds available for improving the sustainability and livability of the state's communities through investment in natural resources, as specified. The initiative would require \$400,000,000 of those bond funds to be available to the Department of Parks and Recreation for competitive grants for local and regional parks, to be allocated to existing programs or pursuant to implementing legislation, as specified. The initiative would require \$90,000,000 of those bond funds to be available for urban greening projects that reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits, as specified, and would require implementing legislation to provide for planning grants for urban greening programs. The initiative would require the remaining \$90,000,000 of those bond funds to be available for planning grants and planning incentives, including revolving loan programs and other methods to encourage the development of regional and local land use plans that are designed as specified.*

This bill would, of the \$400,000,000, require \$200,000,000, upon appropriation, to be used by the department for population-based competitive local assistance grants for the acquisition, restoration, and development of neighborhood, community, and regional parks, and recreational lands and facilities, as specified. The bill would require the remaining \$200,000,000 of the \$400,000,000, upon appropriation, to be used by the department to award competitive grants to local government agencies pursuant to specified existing park and recreation programs and to the Challenged Rural Communities Program that this bill would create. The bill would require the department to administer the needs-based Challenged Rural Communities Program for grants to cities, counties, and districts in non-urbanized areas for acquisition, development, and maintenance of recreational lands and facilities or for innovative recreational programs. The bill would require the remaining \$180,000,000, upon appropriation, to be used consistent with the initiative.

The bill would provide that these provisions shall be operative and take effect only if the voters adopt the initiative at the November 7, 2006, statewide general election.

(2) The Legislature enacted, for inclusion in the November 7, 2006, statewide general election, the Housing and Emergency Shelter Trust Fund Act of 2006 (the act). The act, if adopted by the voters, among other things, would require \$200,000,000 in specified bond funds to be available, upon appropriation, for housing-related park grants in urban, suburban, and rural areas, subject to the conditions and criteria that the Legislature may provide in statute. The act would require specified bond funds, upon appropriation, and subject to criteria as the Legislature may provide in statute, to be available for infill incentive grants for capital outlay related to infill housing development and other related infill housing development, including, but not limited to, not more than \$200,000,000 for park creation, development, or rehabilitation to encourage infill development; water, sewer, or other public infrastructure costs associated with infill development; transportation improvements related to infill development projects; and traffic mitigation.

The bill would require the \$200,000,000 in bond funds available for housing-related park grants in urban, suburban, and rural areas, upon appropriation, to be administered by the department and made available as population-based grants to cities, counties, and eligible districts, as specified. The bill would require the not more than \$200,000,000 in bond funds available for park creation, development, or rehabilitation to encourage infill development to be used by the department, upon appropriation, for competitive grants pursuant to specified existing park and recreation programs. The bill would require \$100,000,000 of bond funds identified for water, sewer, or other public infrastructure costs associated with infill development to be available, upon appropriation, for recreational projects of regional significance, as specified. The bill would prohibit more than \$25,000,000 of bond funds identified for transportation improvements related to infill development projects or traffic mitigation from being available for the environmental enhancement mitigation program. The bill would provide that these provisions shall be operative and take effect only if the voters adopt the act at the November 7, 2006, statewide general election.

(3) The bill would provide that its provisions are severable.

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. Chapter 1.57 (commencing with Section  
2 5095.10) is added to Division 5 of the Public Resources Code, to  
3 read:

4  
5 CHAPTER 1.57. SUSTAINABLE COMMUNITIES AND CLIMATE  
6 CHANGE REDUCTION IMPLEMENTATION  
7

8 5095.10. (a) For the purposes of this chapter, the following  
9 terms have the following meaning:

10 (1) “Department” means the Department of Parks and  
11 Recreation.

12 (2) “Director” means the Director of Parks and Recreation.

13 (3) “District” means a regional park district, regional park and  
14 open-space district, or regional open-space district formed  
15 pursuant to Article 3 (commencing with Section 5500) of  
16 Chapter 3, a recreation and park district formed pursuant to  
17 Chapter 4 (commencing with Section 5780), or an authority  
18 formed pursuant to Division 26 (commencing with Section  
19 35100). With respect to a community or unincorporated region  
20 that is not included within a district, and in which no city or  
21 county provides parks or recreational areas or facilities, “district”  
22 also means any other district that is authorized by statute to  
23 operate and manage parks or recreational areas or facilities,  
24 employs a full-time park and recreation director, offers  
25 year-round park and recreation services on lands and facilities  
26 owned by the district, and allocates a substantial portion of its  
27 annual operating budget to parks or recreation areas or facilities.

28 (b) For the purposes of this chapter, other terms common to  
29 this chapter and Division 43 (commencing with Section 75001),  
30 shall have the same meaning as defined in Section 75005.

31 5095.11. (a) Of the four hundred million dollars  
32 (\$400,000,000) made available to the department pursuant to  
33 subdivision (b) of Section 75065, two hundred million dollars  
34 (\$200,000,000), upon appropriation, shall be used by the  
35 department for competitive local assistance grants, on the basis  
36 of population, for the acquisition, restoration, and development  
37 of neighborhood, community, and regional parks, and

1 recreational lands and facilities, consistent with subdivision (b)  
2 of Section 75065.

3 (b) (1) Eligibility to receive a grant pursuant to subdivision  
4 (a) is contingent upon the submittal of an application that  
5 demonstrates that the grant applicant will use the grant money for  
6 at least two of the following purposes:

7 (A) To acquire and develop new parks, and expand overused  
8 parks, that provide park and recreational access to underserved  
9 communities.

10 (B) To create parks in neighborhoods where none exist at the  
11 time of the grant application.

12 (C) For projects that are designed to provide energy efficient  
13 use of water and other natural resources.

14 (D) For projects that actively involved community based  
15 groups in the selection and planning process.

16 (2) The department shall create an application to be used by  
17 grant applicants.

18 5095.12. (a) Sixty percent of the total funds available for  
19 grants pursuant to Section 5095.11 shall be allocated to cities and  
20 to districts other than a regional park district, regional park and  
21 open-space district, or regional open-space district. Each city's  
22 and district's allocation shall be in the same ratio as the city's or  
23 district's population is to the combined total of the state's  
24 population that is included in incorporated areas and  
25 unincorporated areas within the district, except that each city or  
26 district shall be entitled to a minimum allocation of one hundred  
27 ten thousand dollars (\$110,000). In any instance in which the  
28 boundary of a city overlaps the boundary of such a district, the  
29 population in the area of overlapping jurisdiction shall be  
30 attributed to each jurisdiction in proportion to the extent to which  
31 each operates and manages parks and recreational areas and  
32 facilities for that population. In any instance in which the  
33 boundary of a city overlaps the boundary of such a district, and in  
34 the area of overlap the city does not operate and manage parks  
35 and recreational areas and facilities, all grant funds shall be  
36 allocated to the district.

37 (b) Each city and each district subject to subdivision (a) whose  
38 boundaries overlap shall develop a specific plan for allocating the  
39 grant funds in accordance with the formula specified in  
40 subdivision (a). If, by January 1, 2008, the plan has not been

1 agreed to by the city and district and submitted to the department,  
2 the director shall determine the allocation of the grant funds  
3 among the affected jurisdictions.

4 (c) Forty percent of the total funds available for grants  
5 pursuant to Section 5095.11 shall be allocated to counties and  
6 regional park districts, regional park and open-space districts, or  
7 regional open-space districts formed pursuant to Article 3  
8 (commencing with Section 5500) of Chapter 3.

9 (d) Each county's allocation under subdivision (c) shall be in  
10 the same ratio as the county's population, except that each county  
11 shall be entitled to a minimum allocation of two hundred fifty  
12 thousand dollars (\$250,000).

13 (e) In a county that embraces all or part of the territory of a  
14 regional park district, regional park and open-space district, or  
15 regional open-space district, whose board of directors is not the  
16 county board of supervisors, the amount allocated to the county  
17 shall be apportioned between that district and the county in  
18 proportion to the population of the county that is included within  
19 the territory of the district and the population of the county that is  
20 outside the territory of the district.

21 (f) In a county that currently embraces all or a part of the  
22 territory of a regional open-space district and an authority formed  
23 pursuant to Division 26 (commencing with Section 35100), the  
24 allocation shall be distributed between the county and the  
25 following entities:

26 (1) The funds shall be apportioned between the district and the  
27 county in proportion to the population of the county that is  
28 included within the territory of the district, and the proportion of  
29 the population of the county that is outside the district. The  
30 amounts resulting from this calculation shall be known as the  
31 district's share, and the county's first balance. The district's share  
32 shall be allocated to the district. The county's first balance shall  
33 be further apportioned, as provided in paragraph (2).

34 (2) The county's first balance, as determined in accordance  
35 with paragraph (1), shall be further apportioned between the  
36 authority and the county in proportion to the population of the  
37 county that is included within the territory of the authority, and  
38 the proportion of the population of the county that is outside the  
39 authority. The amounts resulting from this calculation shall be  
40 known as the authority's share and the county's second balance.

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

4 (g) 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 (h) For the purpose of making the calculations required by this  
13 section, population shall be determined by the department, in  
14 cooperation with the Department of Finance, on the basis of the  
15 most recent verifiable census data and other verifiable population  
16 data that the department may require to be furnished by the  
17 applicant city, county, or district.

18 5095.13. Of the four hundred million dollars (\$400,000,000)  
19 made available to the department pursuant to subdivision (b) of  
20 Section 75065, two hundred million dollars (\$200,000,000), upon  
21 appropriation, shall be used by the department to award  
22 competitive grants to local government agencies in accordance  
23 with the following schedule, consistent with subdivision (b) of  
24 Section 75065:

25 ~~(a) Seventy-five million dollars (\$75,000,000) for the~~  
26 ~~Murray-Hayden Urban Parks and Youth Service Program~~  
27 ~~(Article 4.7 (commencing with Section 5096.348) of Chapter~~  
28 ~~1.692).~~

29 ~~(b) Fifty million dollars (\$50,000,000) for the Urban Park Act~~  
30 ~~of 2001 (Chapter 3.3 (commencing with Section 5640)).~~

31 *(a) One hundred twenty-five million dollars (\$125,000,000)*  
32 *for the purposes of Chapter 3.3 (commencing with Section 5640).*

33 (e)  
34 (b) Twenty-five million dollars (\$25,000,000) for the State  
35 Urban Parks and Healthy Communities Act (Chapter 1.55  
36 (commencing with Section 5095)).

37 ~~(d)~~  
38 (c) Twenty-five million dollars (\$25,000,000) for the  
39 California Youth Soccer and Recreation Development Program  
40 created pursuant to Section 5004.5.

1 (e)  
2 (d) Twenty-five million dollars (\$25,000,000) for the  
3 Challenged Rural Communities Program created pursuant to  
4 Section 5095.16.

5 5095.14. The ninety million dollars (\$90,000,000) made  
6 available pursuant to subdivision (a) of Section 75065, upon  
7 appropriation, shall be used for grants for planning and  
8 implementation of urban greening programs, consistent with  
9 subdivision (a) of Section 75065, that reduce energy  
10 consumption, conserve water, improve air and water quality, and  
11 provide other public benefits. Priority shall be given to projects  
12 that provide multiple benefits, use existing public lands, serve  
13 communities with greatest need, and facilitate joint use of public  
14 resources and investments including schools. Of this amount, not  
15 less than twenty million dollars (\$20,000,000) shall be made  
16 available for urban forestry projects pursuant to the California  
17 Urban Forestry Act of 1978 (Chapter 2 (commencing with  
18 Section 4799.06) of Part 2.5 of Division 4).

19 5095.15. The ninety million dollars (\$90,000,000) made  
20 available pursuant to subdivision (c) of Section 75065, upon  
21 appropriation, shall be used for planning grants and planning  
22 incentives, including revolving loan programs and other methods  
23 to encourage the development of regional and local land use  
24 plans that are designed to promote water conservation, reduce  
25 automobile use and fuel consumption, encourage greater infill  
26 and compact development, protect natural resources and  
27 agricultural lands, and revitalize urban and community centers.

28 5095.16. The department shall administer a needs-based  
29 Challenged Rural Communities Program for grants to cities,  
30 counties, and districts in nonurbanized areas on a  
31 project-by-project basis and on the basis of need for acquisition,  
32 development, or special major maintenance of recreational lands  
33 and facilities, or for innovative recreational programs. The  
34 criteria for determining need shall include, but are not limited to,  
35 deficiencies in existing park and recreational lands and facilities,  
36 the impact of participants from outside the jurisdiction, and the  
37 overall merit of the grant proposal.

38 SEC. 2. Chapter 1.58 (commencing with Section 5095.20) is  
39 added to Division 5 of the Public Resources Code, to read:

1 CHAPTER 1.58. HOUSING AND EMERGENCY SHELTER PARKS  
2 IMPLEMENTATION  
3

4 5095.20. (a) For the purposes of this chapter, the following  
5 terms have the following meaning:

6 (1) “Department” means the Department of Parks and  
7 Recreation.

8 (2) “Director” means the Director of Parks and Recreation.

9 (3) “District” means a regional park district, regional park and  
10 open-space district, or regional open-space district formed  
11 pursuant to Article 3 (commencing with Section 5500) of  
12 Chapter 3, a recreation and park district formed pursuant to  
13 Chapter 4 (commencing with Section 5780), or an authority  
14 formed pursuant to Division 26 (commencing with Section  
15 35100). With respect to a community or unincorporated region  
16 that is not included within a district, and in which no city or  
17 county provides parks or recreational areas or facilities, “district”  
18 also means any other district that is authorized by statute to  
19 operate and manage parks or recreational areas or facilities,  
20 employs a full-time park and recreation director, offers  
21 year-round park and recreation services on lands and facilities  
22 owned by the district, and allocates a substantial portion of its  
23 annual operating budget to parks or recreation areas or facilities.

24 (b) For the purposes of this chapter, other terms common to  
25 this chapter and Part 12 (commencing with Section 53540) of  
26 Division 31 of the Health and Safety Code, shall have the same  
27 meaning as defined in Section 53541 of the Health and Safety  
28 Code.

29 5095.21. The two hundred million dollars (\$200,000,000)  
30 deposited in the Housing Urban-Suburban-and-Rural Parks  
31 Account in the Housing and Emergency Shelter Trust Fund of  
32 2006 pursuant to subdivision (d) of Section 53545 of the Health  
33 and Safety Code, upon appropriation, shall be administered by  
34 the department and made available by the department for  
35 housing-related parks grants in urban, suburban, and rural areas,  
36 on the basis of population, to cities, counties, and eligible  
37 districts, consistent with subdivision (d) of Section 53545 of the  
38 Health and Safety Code.

39 5095.22. (a) Sixty percent of the total funds available for  
40 grants pursuant to Section 5095.21 shall be allocated to cities and

1 to districts other than a regional park district, regional park and  
2 open-space district, or regional open-space district. Each city's  
3 and district's allocation shall be in the same ratio as the city's or  
4 district's population is to the combined total of the state's  
5 population that is included in incorporated areas and  
6 unincorporated areas within the district, except that each city or  
7 district shall be entitled to a minimum allocation of one hundred  
8 ten thousand dollars (\$110,000). In any instance in which the  
9 boundary of a city overlaps the boundary of such a district, the  
10 population in the area of overlapping jurisdiction shall be  
11 attributed to each jurisdiction in proportion to the extent to which  
12 each operates and manages parks and recreational areas and  
13 facilities for that population. In any instance in which the  
14 boundary of a city overlaps the boundary of such a district, and in  
15 the area of overlap the city does not operate and manage parks  
16 and recreational areas and facilities, all grant funds shall be  
17 allocated to the district.

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

25 (c) Forty percent of the total funds available for grants  
26 pursuant to Section 5095.21 shall be allocated to counties and  
27 regional park districts, regional park and open-space districts, or  
28 regional open-space districts formed pursuant to Article 3  
29 (commencing with Section 5500) of Chapter 3.

30 (d) Each county's allocation under subdivision (c) shall be in  
31 the same ratio as the county's population, except that each county  
32 shall be entitled to a minimum allocation of two hundred fifty  
33 thousand dollars (\$250,000).

34 (e) In a county that embraces all or part of the territory of a  
35 regional park district, regional park and open-space district, or  
36 regional open-space district, whose board of directors is not the  
37 county board of supervisors, the amount allocated to the county  
38 shall be apportioned between that district and the county in  
39 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 (f) In a county that currently embraces all or a part of the  
4 territory of a regional open-space district and an authority formed  
5 pursuant to Division 26 (commencing with Section 35100), the  
6 allocation shall be distributed between the county and the  
7 following entities:

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

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

23 (3) The authority's share shall be divided equally between the  
24 county and the authority. The county shall receive all of the  
25 county's second balance.

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

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

1 5095.23. (a) The two hundred million dollars (\$200,000,000)  
2 made available pursuant to subparagraph (A) of paragraph (1) of  
3 subdivision (b) of Section 53545 of the Health and Safety Code,  
4 upon appropriation, shall be used by the department to award  
5 competitive grants in accordance with the following schedule,  
6 consistent with subdivision (b) of Section 53545 of the Health  
7 and Safety Code:

8 ~~(1) One hundred million dollars (\$100,000,000) for the~~  
9 ~~Murray-Hayden Urban Parks and Youth Service Program~~  
10 ~~(Article 4.7 (commencing with Section 5096.348) of Chapter~~  
11 ~~1.692).~~

12 ~~(2) Fifty million dollars (\$50,000,000) for the Urban Park Act~~  
13 ~~of 2001 (Chapter 3.3 (commencing with Section 5640)).~~

14 *(1) One hundred fifty million dollars (\$150,000,000) for the*  
15 *purposes of Chapter 3.3 (commencing with Section 5640).*

16 ~~(3)~~

17 (2) Twenty-five million dollars (\$25,000,000) for the State  
18 Urban Parks and Healthy Communities Act (Chapter 1.55  
19 (commencing with Section 5095)).

20 ~~(4)~~

21 (3) Twenty-five million dollars (\$25,000,000) for the  
22 California Youth Soccer and Recreation Development Program  
23 created pursuant to Section 5004.5.

24 (b) In making grants pursuant to subdivision (a), the  
25 department shall consider projects that encourage, promote, or  
26 compliment infill development.

27 5095.24. Pursuant to subparagraph (B) of paragraph (1) of  
28 subdivision (b) of Section 53545 of the Health and Safety Code,  
29 and consistent with subdivision (b) of Section 53545 of the  
30 Health and Safety Code, one hundred million dollars  
31 (\$100,000,000), upon appropriation, shall be available for grants  
32 for recreational projects of regional significance, including trails  
33 that are consistent with regional and local plans. In the interest of  
34 promoting recreational infill uses, utilizing blighted properties  
35 for public recreational purposes, and encouraging regional  
36 recreational pursuits, additional consideration may be given to  
37 projects that are sponsored by local agencies and improve or  
38 enhance sites constituted from nonnative fill materials, retired  
39 landfill property or waste treatment sites, reclaimed mining or  
40 aggregate sites, or adjacent to industrial properties.

1 5095.25. Of the money made available pursuant to  
2 subparagraphs (C) and (D) of paragraph (1) of subdivision (b) of  
3 Section 53545 of the Health and Safety Code, no more than  
4 twenty-five million dollars (\$25,000,000) may be made available  
5 for the environmental enhancement and mitigation program  
6 described in Section 164.56 of the Streets and Highways Code.

7 SEC. 3. The provisions of this bill are severable. If any  
8 provision of this bill or its application is held invalid, that  
9 invalidity shall not affect other provisions or applications that can  
10 be given effect without the invalid provision or application.

11 SEC. 4. Section 1 of this act shall be operative and take effect  
12 only if the voters adopt, “The Safe Drinking Water, Water  
13 Quality and Supply, Flood Control, River and Coastal Protection  
14 Bond Act of 2006,” at the November 7, 2006, statewide general  
15 election.

16 SEC. 5. Section 2 of this act shall be operative and take effect  
17 only if the voters adopt the “Housing and Emergency Shelter  
18 Trust Fund Act of 2006” at the November 7, 2006, statewide  
19 general election.