

AMENDED IN SENATE MAY 10, 2010

AMENDED IN SENATE APRIL 6, 2010

**SENATE BILL**

**No. 1124**

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**Introduced by Senator Negrete McLeod**

February 18, 2010

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An act to amend Section 5919 of the Public Resources Code, relating to land conservation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1124, as amended, Negrete McLeod. Land conservation: California Wildlife, Coastal, and Park Land Conservation Act.

The California Wildlife, Coastal, and Park Land Conservation Act, an initiative measure approved by the voters in the June 7, 1988, statewide primary election, provided bond funds for wildlife, coastal, and parkland conservation. The initiative measure may be amended by a  $\frac{2}{3}$  vote of the Legislature if the amendment is consistent with the purposes of the act. Existing law requires an applicant receiving state funds under the act to maintain any property acquired in perpetuity, as specified, and use the property only for the purposes stated in the act.

This bill would require a grantee, or its successors in interest, if the grantee or its successor in interest agree to place a conservation, agricultural, or open space easement on property acquired, developed, rehabilitated, or restored with funds allocated pursuant to the act *for a grant to the County of San Bernardino for requisition of land, as specified*, to record the easement on or before July 1, 2011, and would require the granting agency to approve the easement. The bill would require the easement to provide that the property is to be maintained and operated in perpetuity, only for the purposes set forth in the act,

and no other use, sale, or other disposition of the property shall be made except as authorized by specific act of the Legislature.

The bill would declare that this requirement is an amendment of the act within the meaning of Section 6 of the act and is consistent with the act.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 5919 of the Public Resources Code is  
2 amended to read:

3 5919. (a) (1) State funds authorized under Section 5907 shall  
4 not be disbursed unless the applicant agrees to all of the following:

5 (A) To maintain and operate the property acquired, developed,  
6 rehabilitated, or restored with the funds in perpetuity. With the  
7 approval of the granting agency, the applicant or its successors in  
8 interest in the property may transfer the responsibility to maintain  
9 and operate the property in accordance with this section.

10 (B) To use the property only for the purposes of this division  
11 and to make no other use, sale, or other disposition of the property  
12 except as authorized by specific act of the Legislature.

13 (2) An applicant for a grant pursuant to paragraph (3) of  
14 subdivision (b), and subdivisions (c), (d), and (e), of Section 5907  
15 shall submit an application to the administering agency for grant  
16 approval. Each application shall include in writing the agreements  
17 specified in paragraph (1).

18 (3) The agreements specified in paragraph (1) shall not prevent  
19 the transfer of property acquired, developed, rehabilitated, or  
20 restored with funds authorized pursuant to Section 5907 from the  
21 applicant to a public agency, provided the successor public agency  
22 assumes the obligations imposed by those agreements.

23 (b) (1) If the use of the property acquired through grants  
24 pursuant to this division is changed to one other than permitted  
25 under the category from which the funds were appropriated, or the  
26 property is sold or otherwise disposed of, an amount equal to the  
27 (A) amount of the grant, (B) the fair market value of the real  
28 property, or (C) the proceeds from the portion thereof, acquired,  
29 developed, rehabilitated, or restored with the grant shall be used  
30 by the grantee, subject to subdivision (a), for a purpose authorized

1 in that category or shall be reimbursed to the fund and be available  
2 for appropriation only for a use authorized in that category.

3 (2) If the property sold or otherwise disposed of is less than the  
4 entire interest in the property originally acquired, developed,  
5 rehabilitated, or restored with the grant, an amount equal to the  
6 proceeds or the fair market value of the property interest sold or  
7 otherwise disposed of, whichever is greater, shall be used by the  
8 grantee, subject to subdivision (a) of this section, for a purpose  
9 authorized in that category or shall be reimbursed to the fund and  
10 be available for appropriation only for a use authorized in that  
11 category.

12 (c) If, in furtherance of the intent of, and any agreements made  
13 pursuant to paragraph (1) of subdivision (a), the grantee or its  
14 successors in interest committed through resolution, contract, or  
15 other instrument to place a conservation, agricultural, or open  
16 space easement on the property acquired, developed, rehabilitated,  
17 or restored with state funds authorized under *subparagraph (F) of*  
18 paragraph (3) of subdivision (b) of Section 5907, the easement  
19 shall be approved by the granting agency and shall be recorded in  
20 accordance with Section 815.5 of the Civil Code, on or before July  
21 1, 2011. The conservation easement shall provide that the real  
22 property will be maintained and operated in perpetuity consistent  
23 with the requirements of Chapter 4 (commencing with Section  
24 815) of Division 2 of Part 2 of Title 2 of the Civil Code, only for  
25 the purposes set forth in this division, and no other use, sale, or  
26 other disposition of the real property shall be made except as  
27 authorized by specific act of the Legislature.

28 SEC. 2. Section 1 of this act is an amendment to the California  
29 Wildlife, Coastal, and Park Land Conservation Act (Division 5.8  
30 (commencing with Section 5900) of the Public Resources Code)  
31 within the meaning of Section 6 of that act, and is consistent with  
32 the purpose of that act.