

1976

Nejedly-Hart State, Urban and Coastal Park Bond Act of 1976

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Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976

Ballot Title	
<p>FOR THE NEJEDLY-HART STATE, URBAN, AND COASTAL PARK BOND ACT OF 1976</p> <p>This Act provides for a bond issue of two hundred eighty million dollars (\$280,000,000) to be used to meet the recreational requirements of the people of the State of California by acquiring, developing, and restoring real property for state and local park, beach, recreational, and historical resources preservation purposes.</p>	
<p>AGAINST THE NEJEDLY-HART STATE, URBAN, AND COASTAL PARK BOND ACT OF 1976</p> <p>This Act provides for a bond issue of two hundred eighty million dollars (\$280,000,000) to be used to meet the recreational requirements of the people of the State of California by acquiring, developing, and restoring real property for state and local park, beach, recreational, and historical resources preservation purposes.</p>	

FINAL VOTE CAST BY LEGISLATURE ON SB 1321 (PROPOSITION 2)
 Assembly—Ayes, 66 Senate—Ayes, 34
 Noes, 0 Noes, 0

Analysis by Legislative Analyst

PROPOSAL:

This proposition would finance the acquisition, development, or restoration of state and local parks, beaches, historical resources, recreational facilities, and wildlife conservation projects through the sale of \$280 million of state general obligation bonds.

In recent years the state has financed most of the acquisition and development of state and local parks, beaches, historical properties, recreational facilities, and wildlife preserves in this way. Similar bond issues were approved in 1964 and 1974. These provided respectively \$150 million and \$250 million for such projects. All of the 1964 bonds have been sold and it is anticipated that the remaining 1974 bonds will be sold by 1978. Principal and interest on these bonds are paid entirely from the general tax revenues of the state.

This proposed 1976 bond act would emphasize acquisition of coastal lands for recreational purposes. The proceeds of the bond issue would be deposited in the State, Urban, and Coastal Park Fund or the State Coastal Conservancy (fund). These proceeds would be available for appropriation by the Legislature for projects which meet the following purposes:

State, Urban, and Coastal Park Fund:

- (a) Grants to counties, cities, and districts for the acquisition, development, or restoration of real property for parks, beaches, recreation, and historic preservation. \$85,000,000
- (b) State acquisition, development, or restoration of real property for the state park system. 34,000,000

- (c) State acquisition of coastal recreational resources consisting of real property for the state park system. Priority would be given to acquisition of coastal lands which (1) are near urban areas, (2) contain important environmental areas, (3) provide public access to the coast, (4) offer high recreational value, (5) are proposed as a coastal reserve or preserve, and (6) preserve highly scenic areas. 110,000,000
 - (d) State acquisition or development of real property for wildlife management by the Wildlife Conservation Board. 15,000,000
 - (e) State recreational facilities at state water facilities and at Lake Elsinore. 26,000,000
- State, Urban, and Coastal
Park Total \$270,000,000

State Coastal Conservancy (fund):

- (a) State restoration of degraded coastal lands suitable for recreational use.
- (b) State acquisition of prime coastal agricultural lands to prevent urban intrusion.
- (c) State acquisition of coastal lands for reconveyance to other public agencies for recreational re-

sources preservation purposes.

- (d) State acquisition of easements and development rights on coastal lands to establish buffer areas adjacent to coastal parks and wildlife preserves.
- (e) State acquisition to provide access to the coast.

Conservancy Total	\$10,000,000
Total Bond Issue	\$280,000,000

No money in the State Coastal Conservancy (fund) may be expended until the Legislature has authorized an agency, which may be either a new or an existing state agency, to administer the conservancy in accordance with determinations of the Legislature. If a conservancy agency is not authorized by January 1, 1980, the funds allocated to the conservancy would be allocated for expenditure for coastal recreational resources for the state park system.

Projects proposed for the state park system or the state water facilities would be studied and recommended by the State Park and Recreation Commission. Projects proposed for local grants would have to be included in a plan proposed by local governments.

FISCAL EFFECT:

Assuming an interest rate of six percent and a 20-year repayment period, the interest cost on the \$280 million of general obligation bonds would be approximately \$176 million. The principal and interest cost therefore will total \$456 million.

The state would also incur additional operating costs and would collect entrance fees as new state park and recreational areas are made available for public use. Local agencies would similarly incur additional operational costs and collect additional revenues. Such costs and revenues cannot be determined until specific state and local projects are identified and necessary preliminary planning is completed.

Text of Proposed Law

This law proposed by Senate Bill 1321 (Statutes of 1976, Chapter 259) is submitted to the people in accordance with the provisions of Article XVI of the Constitution.

(This proposed law does not expressly amend any existing law; therefore, the provisions thereof are printed in *italic type* to indicate that they are new.)

PROPOSED LAW

SECTION 1. Chapter 1.68 (commencing with Section 5096.111) added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.68. NEJEDLY-HART STATE, URBAN, AND COASTAL PARK BOND ACT OF 1976

5096.111. This chapter shall be known and may be cited as the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976.

5096.112. The Legislature hereby finds and declares that:

(a) It is the responsibility of this state to provide and to encourage the provision of recreational opportunities for the citizens of California.

(b) It is the policy of the state to preserve, protect, and, where possible, to restore coastal resources which are of significant recreational or environmental importance for the enjoyment of present and future generations of persons of all income levels, all ages, and all social groups.

(c) When there is proper planning and development, parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects contribute not only to a healthy physical and moral environment, but also contribute to the economic betterment of the state, and, therefore, it is in the public interest for the state to acquire, develop, and restore areas for recreation, conservation, and preservation and to aid local governments of the state in acquiring, developing, and restoring such areas as will contribute to the realization of the policy declared in this chapter.

5096.113. The Legislature further finds and declares that:

(a) The demand for parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects in California is far greater than what is presently available, with the number of people who cannot be accommodated at the area of their choice or any comparable area increasing rapidly.

(b) The demand for parks, beaches, recreation areas and recreational facilities, and historical resources preservation projects in the urban areas of our state are even greater: over 90 percent of the present population of California reside in urban areas; there continues to be approximately a 30 percent deficiency in open space and recreation areas in the metropolitan areas of the state; less urban land is available, costs are escalating, and competition for land is increasing.

(c) There is a high concentration of urban social problems in California's major metropolitan areas which can be partially alleviated by increased recreational opportunities.

(d) California's coast provides a great variety of recreational opportunities not found at inland sites; it is heavily used because the

state's major urban areas lie, and 85 percent of the state's population lives, within 30 miles of the Pacific Ocean; a shortage of facilities for almost every popular coastal recreational activity exists; and there will be a continuing high demand for popular coastal activities such as fishing, swimming, sightseeing, general beach use, camping, and day use. Funding for the acquisition of a number of key coastal sites is critical at this time, particularly in metropolitan areas where both the demand for and the deficiency of recreational facilities is greatest. Current development pressures in urbanized areas threaten to preclude public acquisition of these key remaining undeveloped coastal parcels unless these sites are acquired in the near future.

(e) Increasing and often conflicting pressures on limited coastal land and water areas, escalating costs for coastal land, and growing coastal recreational demand requires, as soon as possible, funding for, and the acquisition of, land and water areas needed to meet demands for coastal recreational opportunities and to implement recommendations for acquisitions of the Coastal Plan prepared and adopted in accordance with the requirements of the California Coastal Zone Conservation Act of 1972.

(f) By 1980, the need for local parks, beaches, and recreation areas and recreational facilities will be nearly twice as great as presently required.

(g) By 1980, unless the lands and waters that hold recreation potential today are acquired or reserved for recreation as soon as possible, there will be a marked shortage of recreation lands and waters on a local and regional basis.

(h) Cities, counties, and districts must exercise constant vigilance to see that the parks, beaches, recreation lands and recreational facilities, and historical resources they now have are not lost to other uses; they should acquire additional lands as such lands become available; they should take steps to improve the facilities they now have.

(i) Past and current funding programs have not and cannot meet present deficiencies.

(j) There is a pressing need to provide statutory authority and funding for a coordinated state program designed to provide expanded public access to the coast, to preserve prime coastal agricultural lands, and to restore and enhance natural and man-made coastal environments.

(k) In view of the foregoing, the Legislature declares that an aggressive, coordinated, funded program for meeting existing and projected recreational demands must be implemented without delay.

5096.114. Bonds in the total amount of two hundred eighty million dollars (\$280,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed hereinafter, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. Said bonds shall, when sold, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

Continued on page 58

Argument in Favor of Proposition 2

Proposition 2 makes it possible for your local community and the state to acquire lands for new beach, park and recreation areas, to preserve land along the coast and to develop more recreational facilities.

In the last twenty years California's population has doubled. But the use of parks, beaches, and other recreation facilities has multiplied ten times. At peak periods beaches and other heavily used recreation spots turn away one car full of disappointed people for every two they can take care of. Last year that was over one million people.

PROPOSITION 2 MEANS PARKS AND BEACHES CLOSER TO HOME:

Of special importance in this time of energy crisis Proposition 2 assures you that more beaches, parks, and other recreation areas will be close to your own home. You and your family will travel only a short distance to enjoy inexpensive, healthful and relaxing outdoor recreation. And Proposition 2 provides recreation money to be spent at the local level without adding a single penny to your property tax burden.

What else does Proposition 2 do? It will help preserve elements of California's history. It will preserve California's wildlife and fish resources. It will provide additional recreation opportunities along the ocean by acquiring more beaches and coastal bluffs and in mountainous and other inland scenic areas.

Vote yes on Proposition 2 because costs are increasing! Desirable park lands are expensive today, but they may be impossible to afford if we wait. Delay could even mean that some lands will be lost to the public forever.

YOUR YES VOTE ON PROPOSITION 2 MAKES ALL THIS POSSIBLE:

\$85 million for local governments to acquire and develop local parks, recreation areas, beaches, or

historic units. The money will be allocated by population, but no county will get less than \$200,000.

\$13 million for the State Park System to acquire new parks, beaches, recreation areas and historic places.

\$21 million for development of additional campsites and picnic areas within the State Park System, including development and interpretation of historic resources.

\$15 million for fish and wildlife projects of the State Wildlife Conservation Board.

\$120 million for acquisition of ocean front property.

\$26 million for water project recreation facilities, including boating facilities.

Proposition 2 is non-partisan; it is solidly supported by citizens of all parties. And with good reason. Proposition 2 helps preserve the quality of our environment. It helps insure that our own generation and those to come will enjoy enough public parks, beaches, and recreation areas. It preserves lands that have figured strongly in California's history, for the enjoyment and education of our children's children. There are many statewide organizations and groups supporting this measure representing conservation, education, business, labor, park planning and administration, local government, and historical groups.

VOTE YES ON PROPOSITION 2, OUR FINEST INVESTMENT FOR CALIFORNIA'S FUTURE.

JOHN A. NEJEDLY

*Member of the Senate, 7th District
Chairman, Senate Natural Resources and
Wildlife Committee*

EDMUND G. PAT BROWN

*Chairman, California Council for Environmental
and Economic Balance*

MELVIN B. LANE

*Chairman, California Coastal Zone
Conservation Commission*

Rebuttal to Argument in Favor of Proposition 2

Government already owns approximately half of the entire State of California. Although much of this land is closed to the public and has never been developed, Proposition 2 would finance the purchase of MORE land. Why doesn't the government develop the land that it already owns?

Let's face facts. Proposition 2 will be financed entirely out of taxpayers' money. Furthermore, it will

cause property taxes to go up. Only a small part of the \$280 million will be used to develop parks and recreation. The rest will be used for another government "Land Grab".

Proposition 2 is a classic example of poor government planning and it deserves your "NO" vote.

H. L. "BILL" RICHARDSON

Member of the Senate, 19th District

Argument Against Proposition 2

How would you like to get a bill in the mail for your share of a \$280 million debt? You'd like that? Good! Vote for Proposition 2.

Through the "miracle" of debt financing, Californians now have the unique opportunity to mortgage their children's future to buy "potential" parkland.

One might naturally assume that the government was fresh out of "potential" parkland. Not so. In fact, Big Government now owns approximately 50% of the entire State of California. Instead of developing this government-owned half of the state, Proposition 2 is a step toward buying up the other half.

The first paragraph of Proposition 2 states, "It is the responsibility of this state to provide and to encourage the provision of recreational opportunities for the citizens of California."

This government paternalism is "bread and circuses" politics at its worst. Government will provide the circuses if the taxpayers come up with the bread. Frankly, California needs more government-owned land like it needs an epidemic of swine flu.

So much for the bad news. The good news is that your property taxes are going up. You see, the government won't have to pay taxes on the newly-purchased land, so YOU get to make up the difference in higher taxes, whether you own a home or rent.

There is one more catch. Section 5096.115 of this measure reads:

"There shall be collected each year and in the same manner and at the same time as other state revenue is collected such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum."
(emphasis added)

Who said debt can't be fun?

H. L. "BILL" RICHARDSON
Member of the Senate, 19th District

Rebuttal to Argument Against Proposition 2

The argument against Proposition 2 is misleading and deceptive. The simple fact is that California's existing beaches and parks are often overcrowded, as any family who has driven to the coast on a hot day or has waited in line at any state park knows.

A YES vote on Proposition 2 will provide additional public beaches, parks and recreation areas close to where people live and work.

The funds to pay for the new beaches, parks and recreational areas will come from the general tax revenue of the state. These funds will not be paid from property taxes and no one will receive a bill in the mail, contrary to what the opposition says.

Also, while it is true the federal government owns large amounts of forest and desert land, it is far from where most people live. A YES vote on Proposition 2 will provide money to buy additional park lands close to home.

Proposition 2 will provide for the acquisition and development of public beaches, parks, and recreation areas NOW with the costs spread over many years, so

that people who benefit will pay their fair share.

Proposition 2 also will provide for the development of much-needed new recreational facilities, such as picnic areas, hiking trails, campsites and boating facilities.

A YES vote will provide all Californians more room to stretch their legs and breathe good air—in new city, county and state parks.

Don't be misled by emotional rhetoric and erroneous statements. Vote YES on Proposition 2.

JOHN A. NEJEDLY, *Member of the Senate, 7th District*
Chairman, Senate Natural Resources
and Wildlife Committee

EDMUND G. BROWN, *Chairman*
California Council for Environmental
and Economic Balance

MELVIN B. LANE, *Chairman*
California Coastal Zone Conservation
Commission

TEXT OF PROPOSITION 1—continued from page 7

part, and are hereby incorporated in this part as though set forth in full herein.

41809. As used in this part and for purposes of the State General Obligation Bond Law, Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code, the following terms shall have the following meanings:

(a) "Bond" means a state general obligation bond issued pursuant to this part and known as a state housing finance bond.

(b) "Board" means the Board of Directors of the California Housing Finance Agency.

(c) "Committee" means the Housing Bond Credit Committee created by Section 41707.

(d) "Fund" means the General Obligation Bond Account -- the California Housing Finance Fund created by Section 41804.

TEXT OF PROPOSITION 2—continued from page 11

5096.115. There shall be collected each year and in the same manner and at the same time as other state revenue is collected such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

5096.116. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 5096.117, which sum is appropriated without regard to fiscal years.

5096.117. For the purposes of carrying out the provisions of this chapter the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the State, Urban, and Coastal Park Fund or the State Coastal Conservancy, which depositories are hereby created. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out the provisions of this chapter.

5096.118. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the State, Urban, and Coastal Park Fund or the State Coastal Conservancy. The money in such depositories may be expended only for the purposes specified in this chapter and only pursuant to appropriation by the Legislature in the manner hereinafter prescribed.

5096.119. All proposed appropriations for the program specified in Section 5096.124 shall be included in a section in the Budget Bill for each fiscal year for consideration by the Legislature, and shall bear the caption "Nejedly-Hart State, Urban, and Coastal Park Bond Act Program." The section shall contain separate items for each project for which an appropriation is made.

All proposed appropriations for purposes specified in Section 5096.125 shall be included in a section of the Budget Bill for each fiscal year for consideration by the Legislature, and shall bear the caption "State Coastal Conservancy." The section shall contain separate items for each project for which an appropriation is made.

Such appropriations shall be subject to all limitations contained in the Budget Bill and to all fiscal procedures prescribed by law with respect to the expenditure of state funds unless expressly exempted from such laws by a statute enacted by the Legislature. Such sections shall contain proposed appropriations only for the programs contemplated by this chapter, and no funds derived from the bonds authorized by this chapter may be expended pursuant to an appropriation not contained in such sections of the Budget Act.

5096.120. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code) and all of the provisions of that law are applicable to the bonds and to this chapter, and are hereby incorporated in this chapter as though set forth in full herein.

5096.121. The State Park and Recreation Finance Committee is hereby created. The committee consists of the Governor, the State Controller, the Director of Finance, the State Treasurer, and the Secretary of the Resources Agency. For the purposes of this chapter the State Park and Recreation Finance Committee shall be "the committee" as that term is used in the State General Obligation Bond Law. The Secretary of the Resources Agency is hereby designated as "the board" for the purposes of this chapter and for the purposes of the State General Obligation Bond Law.

5096.122. All money deposited in the State, Urban, and Coastal Park Fund or the State Coastal Conservancy which is derived from premium and accrued interest on bonds sold shall be reserved in such depositories and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5096.123. As used in this chapter and for the purposes of this chapter as used in the State General Obligation Bond Law, the

following words shall have the following meanings:

(a) "State grant" or "state grant moneys" means moneys received by the state from the sale of bonds authorized by this chapter which are available for grants to counties, cities, and districts for acquisition, development, or restoration of real property for park, beach, recreational, and historical resources preservation purposes.

(b) "District" means any district authorized to provide park and recreation services, except a school district.

(c) "Historical resource" includes, but is not limited to, any building, structure, site, area, or place which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

(d) "Historical resources preservation project" is a project designed to preserve an historical resource which is either listed in the National Register of Historic Places or is registered as either a state historical landmark or point of historical interest pursuant to Section 5021.

(e) "Coastal recreational resources" means those land and water areas adjacent to or in close proximity to the Pacific Ocean which are suitable for public park, beach, or recreational purposes, including, but not limited to, areas of historical significance and areas of open space that complement park, beach, or recreational areas.

5096.124. Except as otherwise provided in this section or elsewhere in this chapter, all money deposited in the State, Urban, and Coastal Park Fund shall be available for appropriation as set forth in Section 5096.119 for the purposes set forth below in amounts not to exceed the following:

- (a) For grants to counties, cities, and districts for the acquisition, development, or restoration of real property for park, beach, recreational, and historical resources preservation purposes, including state administrative costs \$35,000,000
- (b) For acquisition, development, or restoration of real property for the state park system in accordance with the following schedule \$34,000,000
 - Schedule:
 - (1) Thirteen million dollars (\$13,000,000) for acquisition and costs for planning and interpretation.
 - (2) Twenty-one million dollars (\$21,000,000) for development of real property, historical resources, and costs for planning and interpretation.
- (c) For acquisition of coastal recreational resources, consisting of real property for the state park system and costs of planning and interpretation \$110,000,000
- (d) For the acquisition or development of real property for wildlife management in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300), Division 2, Fish and Game Code), including costs for planning and interpretation in accordance with the following schedule \$15,000,000
 - Schedule:
 - (1) Ten million dollars (\$10,000,000) for coastal projects.
 - (2) Five million dollars (\$5,000,000) for all projects, including coastal projects.
- (e) For recreational facilities of the State Water Facilities, as defined in paragraphs (1) to (4), inclusive, of subdivision (d) of Section 12934 of the Water Code, for allocation in accordance with the following schedule..... \$26,000,000
 - Schedule:
 - (1) Fifteen million dollars (\$15,000,000) to the Department of Parks and Recreation, of which up to six million dollars (\$6,000,000) may be used for recreational facilities at Lake Elsinore, whether or not

such facilities are a part of the State Water Facilities.

(2) Five million dollars (\$5,000,000) to the Department of Water Resources.

(3) Six million dollars (\$6,000,000) to the Department of Navigation and Ocean Development.

It is the intent of the Legislature that funds expended pursuant to subdivisions (a) and (b) of this section may be used for the acquisition of parks, beaches, open-space lands, and historical resources, and for development rights and scenic easements in connection with such lands and resources, and, in the case of grants to counties, cities, and districts, also for the development or restoration of such lands or resources and that funds expended pursuant to subdivision (c) of this section be in accordance with the following criteria and priorities:

(1) The first priority for the acquisition of coastal recreational resources is as follows:

(i) Land and water areas best suited to serve the recreational needs of urban populations.

(ii) Land and water areas of significant environmental importance, such as habitat protection.

(iii) Land and water areas in either of the above categories shall be given the highest priority when incompatible uses threaten to destroy or substantially diminish the resource value of such area.

(2) The second priority for the acquisition of coastal recreational resources is as follows:

(i) Land for physical and visual access to the coastline where public access opportunities are inadequate or could be impeded by incompatible uses.

(ii) Remaining areas of high recreational value.

(iii) Areas proposed as a coastal reserve or preserve, including areas that are or include restricted natural communities, such as ecological areas that are scarce, involving only a limited area; rare and endangered wildlife species habitat; rare and endangered plant species range; specialized wildlife habitat; outstanding representative natural communities; sites with outstanding educational value; fragile or environmentally sensitive resources; and wilderness or primitive areas. Areas meeting more than one of these criteria may be considered as being especially important.

(iv) Highly scenic areas that are or include landscape preservation projects designated by the Department of Parks and Recreation; open areas identified as being of particular value in providing visual contrast to urbanization, in preserving natural landforms and significant vegetation, in providing attractive transitions between natural urbanized areas, or as scenic open space; and scenic areas and historical districts designated by cities and counties. All real property acquired pursuant to this chapter shall be acquired in compliance with the provisions of Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code, and procedures sufficient to ensure such compliance shall be prescribed by the Department of Parks and Recreation.

It is the further intent of the Legislature that funds granted pursuant to subdivision (a) of this section may be used by counties, cities, and districts for the acquisition, development, and restoration of public indoor recreational facilities, including enclosed swimming pools, gymnasiums, recreation centers, historical buildings, and museums. For development, the land must be owned by, or subject to a long-term lease to, the applicant county, city, or district. Such lease shall be for a period of not less than 25 years from the date an application for a grant is made and shall provide that it may not be revoked at will during such period.

5096.125. Except as otherwise provided in this section and elsewhere in this chapter, all money deposited in the State Coastal Conservancy shall be available for appropriation, as provided in Section 5096.119, for the purposes set forth in this section, in a total amount not to exceed ten million dollars (\$10,000,000):

(a) For restoration and enhancement of degraded coastal lands, especially habitat areas and lands near urban areas, that are suitable for intensive or passive recreational use.

(b) For the selective acquisition of prime coastal agricultural lands proposed for conversion to nonagricultural use, to prevent urban intrusions into agricultural areas and to assemble coastal agricultural lands into parcels of economic size, using appropriate techniques such as purchase and leaseback or resale of lands for productive use.

(c) For the preacquisition of lands for reconveyance to other public agencies for coastal recreational resources preservation purposes.

(d) For the selective acquisition of easements and development rights on lands adjacent to public parks or wildlife preserves on or near the coast, to establish a buffer of privately owned land for use consistent with the purposes of the park or preserve and to minimize the need for future acquisitions around existing parks and wildlife preserves.

(e) For the acquisition or acceptance of lands providing public access to and along the coast.

(f) For the costs of administration and planning.

It is the intent of the Legislature that no funds allocated in this chapter to the State Coastal Conservancy shall be expended unless and until the Legislature has enacted legislation authorizing the administration of the conservancy by an existing state agency or a new state agency and has, in such legislation, set forth the purposes, powers, and duties of such agency. If the Legislature has not assigned such authority to an existing or new state agency by January 1, 1980, the funds allocated in this chapter to the State Coastal Conservancy shall be transferred to the State, Urban, and Coastal Park Fund and shall be allocated for expenditure for the purposes specified in subdivision (c) of Section 5096.124.

It is the further intent of the Legislature that funds expended pursuant to this section may be used for acquisition of fee title to real property or any other interest in real property that is less than the fee.

5096.126. After the Legislature has authorized the administration of the State Coastal Conservancy by an existing or new state agency, any project involving state funds pursuant to Section 5096.125 shall originate and be processed in the manner to be specified by the Legislature in such authorizing legislation.

5096.127. (a) All of the funds authorized by subdivision (a) of Section 5096.124 for grants, shall be allocated to the counties, such allocation to be based upon the estimated population of the counties on July 1, 1980, as projected by the Department of Finance.

(b) Each county's apportionment of such funds shall be in the same ratio as the county's population is to the state's total population; provided, however, that each county having a projected 1980 population of 40,000 or fewer persons shall receive an allocation of two hundred thousand dollars (\$200,000); and provided, further, that any grant made to a city or district shall be subtracted from the total otherwise allocable under the provisions of this chapter to the county or counties in which the city or district is located.

(c) Each county shall consult with all cities and districts within the county and shall develop and submit to the state for approval a priority plan for expenditure of the county's allocation. The priority plan for expenditure shall consist of an allocation of the county's funds to the eligible recipients specified in subdivision (a) of Section 5096.124. The priority plan for expenditure may include the names of individual projects under each governmental jurisdiction. The priority plan for expenditure shall be submitted to the Director of Parks and Recreation prior to June 30, 1978. The priority plan for expenditure of the total county allocation shall be approved by at least 50 percent of the cities and districts representing 50 percent of the population of the cities and districts within the county, and by the county board of supervisors. Failure to submit an approved priority plan by June 30, 1978, shall result in a 10-percent annual reduction of the total county allocation until the priority plan is submitted. Any funds not allocated to a county shall remain in the State, Urban, and Coastal Park Fund and shall be expended under the same conditions as set forth in Section 5096.128 in 1983. By June 30, 1980, if agreement on the priority plan for expenditure has not been submitted to the Director of Parks and Recreation, the county board of supervisors shall petition the Director of Parks and Recreation to distribute to high-priority projects the remaining 80 percent of the county's allocation.

(d) Applications for individual projects may be submitted directly to the Director of Parks and Recreation by individual jurisdictions.

5096.128. On July 1, 1983, the Secretary of the Resources Agency shall cause to be totaled the unencumbered balances remaining in the State, Urban, and Coastal Park Fund. A program shall be submitted in the budget for the 1984-1985 fiscal year to appropriate this balance. This program shall consist of projects deemed to be of highest priority from among the purposes expressed in subdivisions (a) to (e), inclusive, of Section 5096.124 and shall not be subject to the maximum amounts allocated to those purposes in Section 5096.124.

5096.129. Any project involving state funds only, pursuant to subdivisions (b), (c), and (e) of Section 5096.124, shall originate by resolution of the Legislature or of the State Park and Recreation Commission directing a study of the proposed project or by action of the Secretary of the Resources Agency, either on his own initiative or, with respect to projects to be funded pursuant to subdivision (e) of Section 5096.124, at the request of the Director of Water Resources, directing a study of the proposed project.

The costs of these project studies shall be borne by the State, Urban, and Coastal Park Fund.

Allocations for the purposes of subdivision (d) of Section 5096.124 that are authorized by the Legislature and approved by the Governor shall be made from the State, Urban, and Coastal Park Fund and shall be expended in accordance with the provisions of the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300), Division 2, Fish and Game Code).

5096.130. (a) An application for a grant pursuant to subdivision (a) of Section 5096.124 shall be submitted to the Director of Parks and Recreation for review. The application shall be accompanied by a certification from the planning agency of the applicant that the project is consistent with the park and recreation plan for the applicant's jurisdiction.

(b) The minimum amount that may be applied for any individual grant project is ten thousand dollars (\$10,000). Any application for a state grant shall comply with the provisions of the Environmental Quality Act of 1970 (commencing with Section 21000).

(c) Upon completion of the grant application review by the Director of Parks and Recreation, approved projects shall be forwarded to the Director of Finance for inclusion in the Budget Bill.

5096.131. Projects proposed pursuant to subdivisions (b), (c), (d), and (e) of Section 5096.124 shall be submitted to the office of the Secretary of the Resources Agency for review. The Director of Parks and Recreation shall provide the Secretary of the Resources Agency with a statement concerning each project originated pursuant to subdivisions (b), (c), and (e) of Section 5096.124, which statement shall include the priority of the project in regard to the need to correct the following deficiencies:

(a) Deficiencies in providing recreation.

(b) Deficiencies in preserving historical resources.

(c) Deficiencies in preserving or protecting natural, scenic, ecological, geological, or other environmental values.

5096.132. The Secretary of the Resources Agency, after completing his review, shall forward those projects recommended by the appropriate board or commission together with his comments thereon to the Director of Finance for inclusion in the Budget Bill. Projects proposed pursuant to subdivision (d) of Section 5096.124 shall be subject to the favorable recommendation of the Wildlife Conservation Board. Projects proposed for the state park system pursuant to subdivision (b) or (e) of Section 5096.124 shall be subject to the favorable recommendation of the State Park and Recreation Commission.

In submitting the list of projects recommended for inclusion in the annual budget, the secretary shall organize the projects on a priority basis within each of the purposes as set forth in subdivisions (b), (c), (d), and (e) of Section 5096.124. This priority ranking shall be based upon the provisions of Section 5096.124 and the needs specified in Section 5096.131.

In addition, the statement setting forth the priorities shall include the relationship of each separate project on the priority list to a proposed time schedule for the acquisition, development, or restoration expenditures associated with the accomplishment of the projects contained in such list. All projects proposed in the Governor's Budget of each fiscal year shall be contained in the Budget Bill as provided in Section 5096.119.

5096.133. Projects authorized for the purposes set forth in subdivisions (b), (c), and (e) of Section 5096.124 shall be subject to augmentation as provided in Section 16352 of the Government Code. The unexpended balance in any appropriation heretofore or hereafter made payable from the State, Urban, and Coastal Park Fund which the Director of Finance, with the approval of the State Public Works Board, determines not to be required for expenditure pursuant to the appropriation may be transferred on order of the Director of Finance to, and in augmentation of, the appropriation made in Section 16352 of the Government Code.

5096.134. The Director of Parks and Recreation may make agreements with respect to any real property acquired pursuant to subdivisions (b) and (c) of Section 5096.124 for continued tenancy of the seller of the property for a period of time and under such conditions as mutually agreed upon by the state and the seller so long as the seller promises to pay such taxes on his interest in the property as shall become due, owing, or unpaid on the interest created by such agreement, and so long as the seller conducts his operations on the land according to specifications issued by the Director of Parks and Recreation to protect the property for the public use for which it was

acquired. A copy of such agreement shall be filed with the county clerk in the county in which the property lies. Such arrangement shall be compatible with the operation of the area by the state, as determined by the Director of Parks and Recreation.

5096.135. Notwithstanding any other provisions of law, for the purposes of this chapter, acquisition may include gifts, purchases, leases, easements, eminent domain, the transfer or exchange of property for other property of like value, and purchases of development rights and other interests, unless the Legislature shall hereafter otherwise provide. Acquisition for the state park system by purchase or by eminent domain shall be under the Property Acquisition Law (commencing with Section 15850 of the Government Code), notwithstanding any other provisions of law.

5096.136. All grants, gifts, devises, or bequests to the state, conditional or unconditional, for park, conservation, recreation, or other purposes for which real property may be acquired or developed pursuant to this chapter, may be accepted and received on behalf of the state by the appropriate department head with the approval of the Director of Finance. Such grants, gifts, devises, or bequests shall be available, when appropriated by the Legislature, for expenditure for the purposes provided in Sections 5096.124 and 5096.125.

5096.137. There shall be an agreement or contract between the Department of Parks and Recreation and the applicant in the case of a state grant project which shall contain therein the provisions that the property so acquired or developed shall be used by the applicant only for the purpose for which the state grant funds were requested and that no other use of the area shall be permitted except by specific act of the Legislature. No state grant funds shall be available for expenditure until such agreement has been signed.

5096.138. Real property acquired by the state shall consist predominantly of open or natural lands, including lands under water capable of being utilized for multiple recreational purposes, and lands necessary for the preservation of historical resources. No funds derived from the bonds authorized by this chapter shall be expended for the construction of any reservoir designated as a part of the "State Water Facilities," as defined in subdivision (d) of Section 12934 of the Water Code, but such funds may be expended for the acquisition or development of beaches, parks, recreational facilities, and historical resources at or in the vicinity of any such reservoir.

5096.139. (a) The Director of Parks and Recreation may submit to the State Lands Commission any proposal by a state or local public agency for the acquisition of lands pursuant to this chapter, which lands are located on or near tidelands, submerged lands, swamp, overflowed, or other wetlands which are under the jurisdiction of the State Lands Commission, whether or not such lands are state-owned or have been granted in trust to a local public agency; and the State Lands Commission shall, within one year of such submittal, review such proposed acquisition, make a determination as to the state's existing or potential interest in the lands, and report its findings to the Director of Parks and Recreation, who shall forward such report to the Secretary of the Resources Agency.

(b) No provision of this chapter shall be construed as authorizing the condemnation of state lands.

SEC. 2. Section 1 of this act shall become operative January 1, 1977, if the people at the special election provided in Section 3 of this act adopt the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976, as set forth in Section 1 of this act. Sections 2 to 8, inclusive, of this act provide for the calling of an election and contain provisions relating to, and necessary for, the submission of the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

TEXT OF PROPOSITION 7

This amendment proposed by Assembly Constitutional Amendment 96 (Statutes of 1976, Resolution Chapter 56) expressly amends existing sections of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE VI

First—That Section 8 of Article VI thereof be amended to read:

~~SEC. 8.~~ *SEC. 8.* The Commission on Judicial ~~Qualifications Performance~~ *Performance* consists of 2 judges of appeal, 2 judges of superior courts, and one judge of a municipal court, each appointed by the Supreme Court; 2 members of the State Bar who have practiced law in this State for 10 years, appointed by its governing body; and 2 citizens who are not judges, retired judges, or members of the State Bar, appointed by the Governor and approved by the Senate, a majority of the membership concurring. All terms are 4 years.

Commission membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy

shall be filled by the appointing power for the remainder of the term.

Second—That Section 18 of Article VI thereof be amended to read:
~~SEC. 18.~~ (a) A judge is disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging the judge in the United States with a crime punishable as a felony under California or federal law, or (2) a recommendation to the Supreme Court by the Commission on Judicial ~~Qualifications Performance~~ *Performance* for removal or retirement of the judge.

(b) On recommendation of the Commission on Judicial ~~Qualifications Performance~~ *Performance* or on its own motion, the Supreme Court may suspend a judge from office without salary when in the United States the judge pleads guilty or no contest or is found guilty of a crime punishable as a felony under California or federal law or of any other crime that involves moral turpitude under that law. If the conviction is reversed suspension terminates, and the judge shall be paid the salary for the judicial office held by the judge for the period of suspension. If the judge is suspended and the conviction becomes final the Supreme Court shall remove the judge from office.

(c) On recommendation of the Commission on Judicial ~~Qualifications Performance~~ *Performance* the Supreme Court may (1) retire a judge for disability that seriously interferes with the performance of the judge's duties and is or is likely to become permanent, and (2) censure or