

8-5-1997

Water And Land Conservation Fund. Oil And Gas Revenues.

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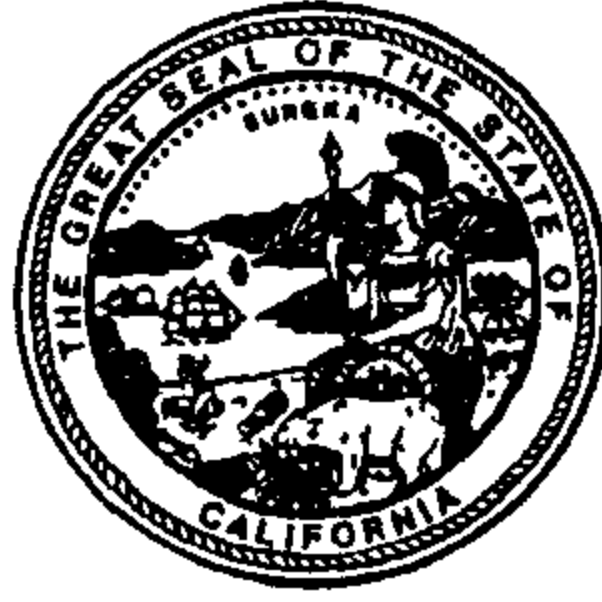
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BILL JONES
Secretary of State
State of California

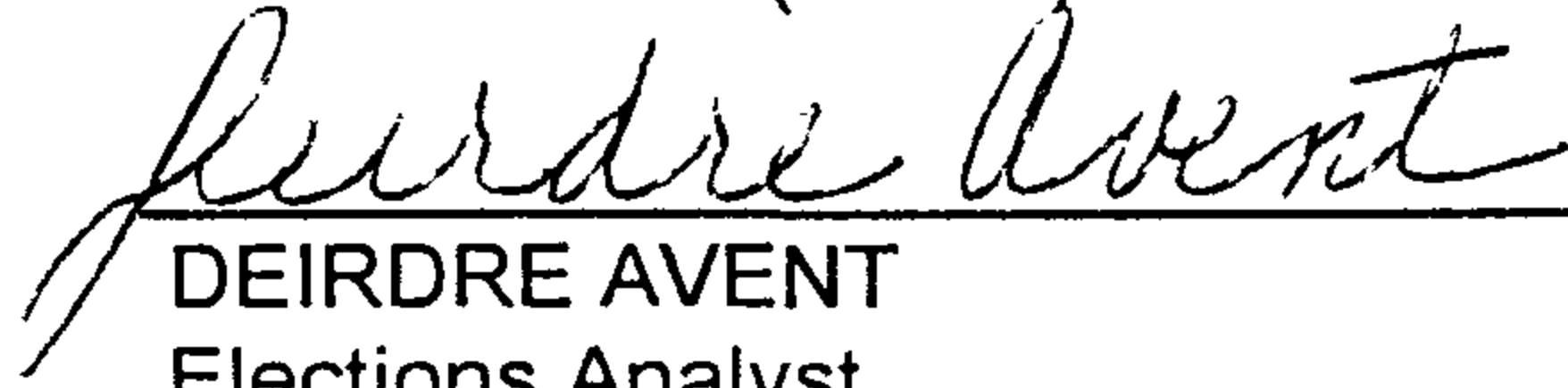
ELECTIONS DIVISION
(916) 657-2166
1500 - 11th STREET
SACRAMENTO, CA 95814
Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired
Only
1-800-833-8683
e-mail: comments@ss.ca.gov

January 14, 1998

#748

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPONENT (98019)

FROM:


DEIRDRE AVENT
Elections Analyst

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: WATER AND LAND CONSERVATION FUND. OIL AND GAS
REVENUES.

SUMMARY DATE: August 5, 1997

PROPONENT: Stephen N. Jacoby

RECEIVED

JAN 16 1998

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e-mail: comments@ss.ca.gov

August 5, 1997

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (97105)

FROM: 
DEIRDRE AVENT
ELECTIONS ANALYST

SUBJECT: INITIATIVE #748

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**WATER AND LAND CONSERVATION
FUND. OIL AND GAS REVENUES.
INITIATIVE STATUTE.**

RECEIVED

AUG 11 1997

The proponent of the above-named measure is:

Stephen N. Jacoby
Planning and Conservation League
926 J St #612
Sacramento, CA 95814
(916) 444-8726 ext. 6
(916) 448-1789 FAX

RECEIVED
ELECTIONS DIVISION
AUG 11 1997

#748
WATER AND LAND CONSERVATION FUND.
OIL AND GAS REVENUES.
INITIATIVE STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,269
California Constitution, Article II, Section 8(b)

2. Official Summary Date:..... Tuesday, 08/05/97
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336)..... Tuesday, 08/05/97

 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a)) Friday, 01/02/98

 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b))..... Wednesday, 01/14/98

(If the Proponent files the petition with the county on a date prior to 01/02/98,
the county has eight working days from the filing of the petition to determine
the total number of signatures affixed to the petition and to transmit the total to
the Secretary of State) (EC §9030(b)).

- d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties (EC §9030(c))..... Friday, 01/23/98*

- e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(EC §9030(d)(e))..... Tuesday, 03/10/98

* Date varies based upon receipt by county by county elections officials.

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INITIATIVE #748

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 01/23/98, the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 476,596 or less than 411,606 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 411,606 and 476,596 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a))..... Friday, 03/20/98*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State (EC §9031(b)(c)).Monday, 05/04/98

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 03/20/98, the last day is no later than the thirtieth working day after the county's receipt of notification). EC §9031(b)(c).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033). Friday, 05/08/98*

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE JUNE 2, 1998 PRIMARY ELECTION: This initiative must be certified for the ballot 131 days before the election (January 22, 1998). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections officials by November 13, 1997. If a 100% check of signatures is necessary, it is advised that the petitions be filed by September 18, 1997.

* Date varies based on receipt of county certification.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures



DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

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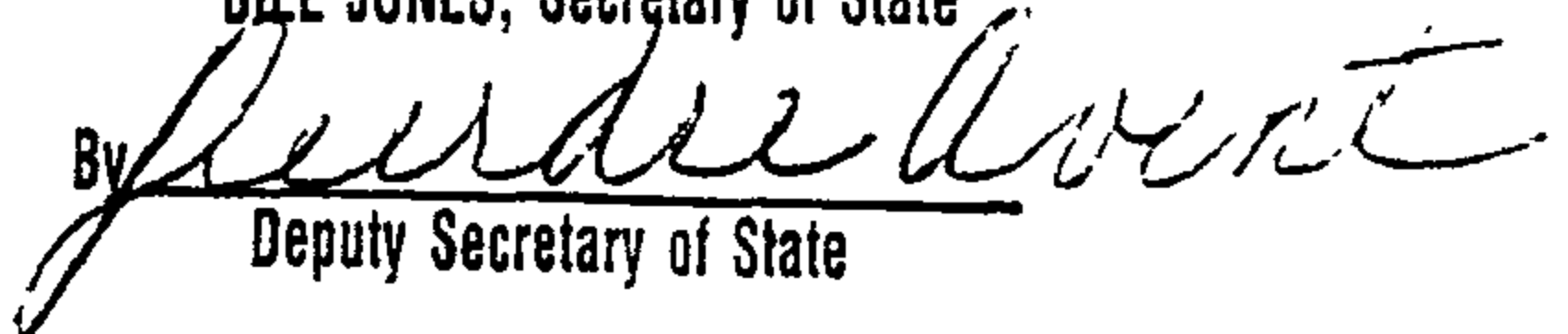
August 5, 1997

FILED
In the office of the Secretary of State
of the State of California

AUG 05 1997

Bill Jones
Secretary of State
1500 - 11th Street
Sacramento, CA 95814

BILL JONES, Secretary of State

By 
Deputy Secretary of State

Re: Initiative Title and Summary
Subject: WATER AND LAND CONSERVATION FUND. OIL AND GAS REVENUES.
INITIATIVE STATUTE.
File No: SA 97 RF 0015

Dear Mr. Jones:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General



ROSEMARY R. CALDERON
Initiative Coordinator

RRC/glm
Enclosures

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Date: August 5, 1997
File No.: SA97RF0015

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

WATER AND LAND CONSERVATION FUND. OIL AND GAS REVENUES. INITIATIVE STATUTE. Creates state trust fund to finance land and water conservation programs, including purchase and improvement of parks, natural areas, wildlife habitats, watersheds for drinking water, and old growth redwood lands. Requires certain oil and gas related revenues received by the state be placed in trust fund. Specifies allocations for certain projects; allocates percentages of remaining funds to programs for education, parkland acquisition, neighborhood park safety, wildlife protection enforcement, habitat improvement, recreational and conservation programs benefitting "at risk" youth. Establishes land acquisition procedures for departments, local agencies, and nonprofit entities. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Redirects General Fund revenues of about \$100 million annually from 1998-99 through 2000-01, and about \$72 million annually thereafter. Redirection could be higher by unknown amounts (but potentially in the millions of dollars) to the extent the state receives additional revenues from settlements or awards related to litigation, or from compensation for the depletion of oil and gas beneath state lands. Potentially hundreds of thousands of dollars annual loss of property tax revenues to local governments.



SA97RF0015

June 17, 1997

Honorable Dan Lungren
Attorney General of California
Attn: Rosemary Calderon
Initiative Coordinator
1300 I Street
Sacramento, CA 95814

Dear Attorney General Lungren:

Please prepare a title and summary for the enclosed initiative. A cashier's check for \$200 payable to the State of California is enclosed.

Sincerely,

Stephen N. Jacoby

Stephen N. Jacoby

Work address:
Planning and Conservation League
926 J St. #612
Sacramento, CA 95814
(916) 444-8726 ext. 6
(916) 448-1789 FAX

encl.

RECEIVED
JUN 17 1997

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

CALIFORNIA WATER AND LAND CONSERVATION ACT
INITIATIVE FOR NOVEMBER, 1998 BALLOT

SECTION 1. Division 5.9 (commencing with Section 5940) is added to the Public Resources Code, to read:
Division 5.9 California Water and Land Conservation Act of 1998.

Chapter 1. Intent

5940. The people of California find and declare all of the following:

- (a) Protection of sources of drinking water by preserving and restoring watersheds is critical to the health and well being of all Californians.
- (b) Preserving old growth redwoods protects the best known symbol of California, and preserves these ancient trees for enjoyment by future generations.
- (c) Preserving our open space, agricultural, and natural lands for our children is the best legacy we can leave them.
- (d) In order to prevent gang violence, California youth need safe places to play, and recreational opportunities that will give them alternatives to lifestyles dominated by crime, gangs, drugs and violence. They also need to learn new skills through healthy, outdoor work opportunities that conservation work can provide such as trail building, levee repairs, and restoration of natural lands.
- (e) To pay for these and other programs to protect our water and land heritage, it is appropriate to dedicate revenue received by the state from oil and gas wells on state and certain federal lands to these purposes. This funding source offers both acquisition and operating funds, while reinvesting our oil and gas resources in protecting the beauty and productivity of the land.
- (f) This act shall be known and may be cited as the California Water and Land Conservation Act of 1998.

Chapter 3 of Division 5.9 of the Public Resources Code. State oil and gas revenues for Conservation

5950.21. Definitions. As used in this Chapter, the following terms have the following meaning:

- (a) "At-risk youth" means persons who have not attained the age of twenty-one years and are at high risk of being involved in or are involved in one or more of the following: gangs, juvenile delinquency, criminal activity, substance abuse, adolescent pregnancy, or school failure or drop-out.
- (b) "Commission" is the State Lands Commission, as defined in Section 6101 et seq., as of January 1, 1997.
- (c) "Fund" means the California Water and Land Conservation Fund created in Section 5950.22.
- (d) "District" means any district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 and any recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780). With respect to any area which is not included within a regional park, regional open-space or regional park and open space district or a recreation and park district and in which no city or county provides parks or recreational areas or facilities, "district" also means any other district which is authorized by statute to operate and manage parks or recreational areas or facilities, employs a full-time park and recreation employee responsible for directing recreation activities and park operations for the district, offers year-round park and recreation services on lands and facilities owned by the district, and allocates a substantial portion of its annual operating budget to parks or recreation areas or facilities. A county service area which is formed for the specific purpose of providing park and recreation services or which meets the conditions in this subdivision is a district.
- (e) A "joint powers agency" is a joint powers agency which is formed for the purpose of planning, acquiring, improving, operating, or maintaining open space, habitat, or park land.
- (f) "Local agency" means a local government, or a district or joint powers agency as defined in this section.
- (g) "Natural Lands" are those lands defined in subdivision (g) of Section 5902.
- (h) "Nonprofit organization" means any charitable organization qualified pursuant to Section 501(c)(3) of the federal Internal Revenue Code.

5950.22. The California Water and Land Conservation Fund of 1998 is hereby created as a trust fund within the General Fund.

5950.23. No funds expended pursuant to this Act, nor any funds expended from the fund, shall be considered transfers pursuant to Chapter 9 (commencing with Section 2780) of Division 3 of the Fish and Game Code.

5950.24. In acquiring property pursuant to this Chapter, departments and local agencies and nonprofit organizations shall comply with the following procedures, in addition to other procedures required by law.

- (a) At least 30 days prior to acquiring property, the department shall provide written notice of the proposed acquisition by first-class mail to the city, county, or city and county in which the property is located, the Joint Legislative Budget Committee, contiguous property owners, and third parties with easements or water right interests on the property. The department further shall publish notice of the proposed acquisition in a newspaper of general circulation in the area. Each notice shall specify that all comments should be submitted to the responsible department, as well as to the applicant and the city, county, or city and county in which the property is located.
- (b) The departments shall consider the priorities for acquisition of property for each region of the state as recommended by the local governments in those regions.

(c) In addition to the other requirements of this section, when acquiring property in a county with a population of 200,000 or less, the departments which do not comply with Section 1504 of the Fish and Game Code, or other subsequent similar enactments of the Legislature shall give preference to the acquisition of property by other departments which, in acquiring the property, comply with Section 1504 of the Fish and Game Code, or other subsequent similar enactments by the Legislature. This subdivision shall not apply to the acquisition of easements on agricultural lands.

(d) The department or local agency acquiring property pursuant to this Chapter shall allow public access to the property to the extent that public access is consistent with purposes for which the property is acquired. Before providing public access to the property, the department or local agency acquiring property shall develop a plan that minimizes the impact of public access on adjacent landowners in order to avoid infringement on the customary husbandry practices on adjacent or nearby agricultural or timber operations and that establishes a setback or buffer area, as necessary. This subdivision does not require access to privately owned lands for which a conservation easement is acquired pursuant to this division unless the conservation easement provides for public access.

(e) This Chapter is in addition to and does not supplant the application of any local ordinance or requirement that applies to any development project, zoning change, or general plan revision, or other locally controlled land use.

(f) Nothing in this Chapter shall be construed as authorizing, or increasing the authority of, any state or local agency to use eminent domain to acquire private property.

(g) If the city, county, or city and county in which the property to be acquired by a department is located objects to the acquisition of the property pursuant to this chapter, the city, county, or city and county, as appropriate, may request the Director of Finance to disapprove the acquisition of the property. These objections may relate to the city's, county's, or city and county's conservation and development policies, their general plans, the efficient use and delivery of infrastructure, and the potential loss of property tax revenue. The Director of Finance may disapprove acquisition after reviewing the objections of the city, county, or city and county. The Director of Finance shall provide a written explanation for his or her decision to the affected city or county.

(h) Nothing in this Chapter shall be construed as diminishing existing land or water rights held by easement holders on any property proposed for acquisition, unless those rights are also acquired.

(i) If any property acquired pursuant to this Chapter is later transferred by the department, local agency, or nonprofit organization acquiring the property, either the use of the property shall be restricted by deed to the conservation purposes for which the property was acquired pursuant to the program or the proceeds of the sale shall be used by the department, local agency, or nonprofit organization that acquired the property to acquire land in California of equal or greater value and comparable public resources values. Nothing in this division shall prohibit the transfer of an acquired property to a nonprofit organization that is qualified to manage the property for the purposes intended by this division, if the terms of this section are met. Any nonprofit organization seeking to sell land pursuant to this subdivision shall first obtain the approval of the department that originally authorized the organization to acquire the property. If the department was a local government, the sale must also be approved by the agency that made the original grant to the local government.

(j) Other than as provided by subdivision (i), property acquired pursuant to this chapter shall only be used for purposes consistent with Section 6217.

(k) If any unauthorized use is made of the property after the property is acquired by a local government or nonprofit organization pursuant to this program, the local government or nonprofit organization shall pay to the state the greater of the following:

(1) The fair market value of the property based on appraisals when finally acquired by the department.

(2) The fair market value of the property based on appraisals at the time of and based on the unauthorized use of the property. Any amount paid to the state pursuant to this subdivision shall be available to the department for expenditure for the purpose or purposes for which the property was originally acquired.

The agency making the original grant may seek injunctive relief to prevent the unauthorized use of the property, or may assume ownership or management of the property to assure that it is used in the manner originally authorized.

(l) Any local government or nonprofit organization that acquires land pursuant to this division shall report not less than every five years to the department that approved the acquisition of the property on the current uses of the property, and on whether those uses are in conformance with the purposes for which the property was acquired.

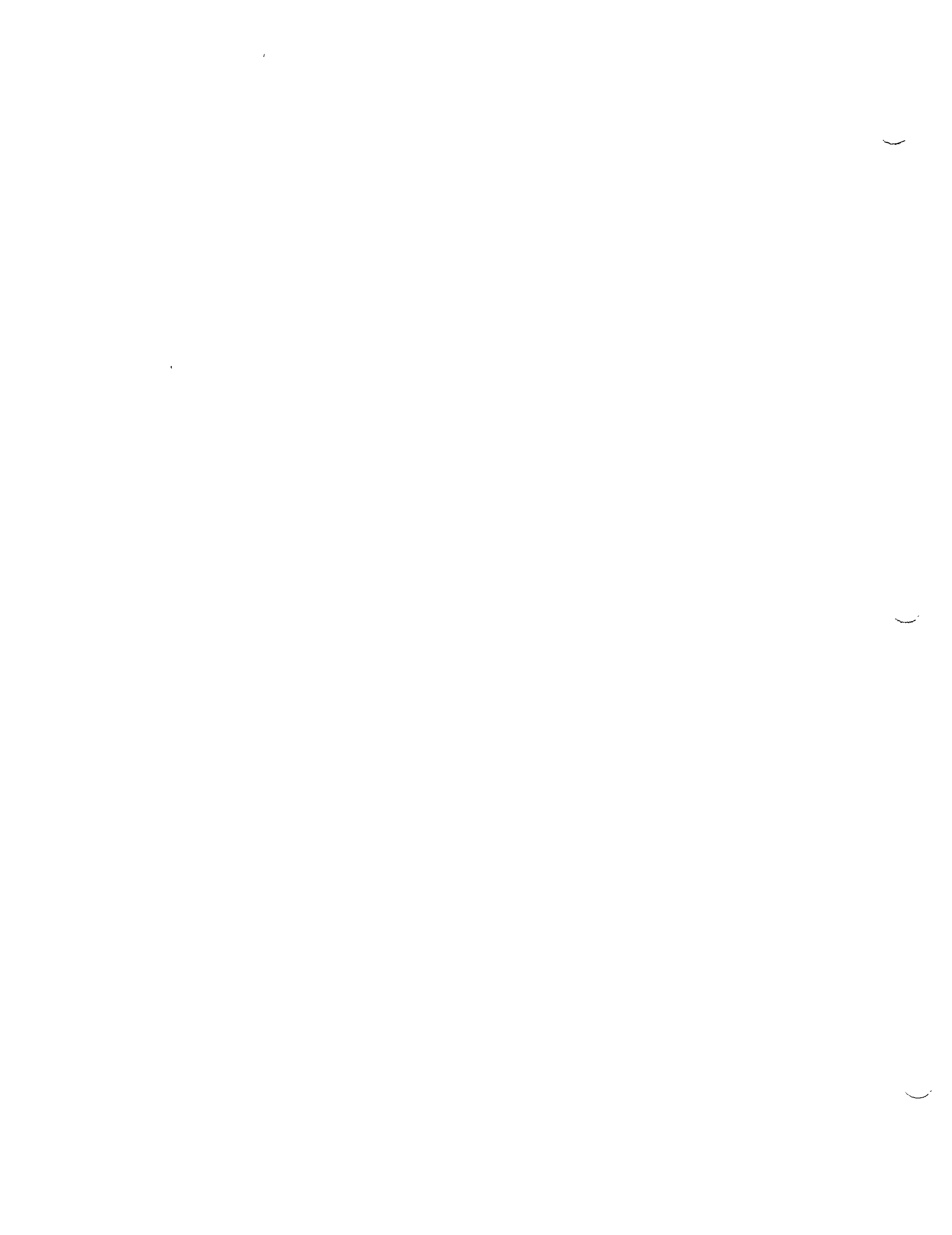
Chapter 4. Federal Oil and Gas Revenue.

5950.25. (a) All revenues received by the state from the federal government as a result of oil and gas extraction from federal Outer Continental Shelf lands and waters, and revenues to compensate the state for depletion of oil and gas from beneath state lands shall be deposited into the Fund. This subdivision does not apply to payments received pursuant to the federal Land and Water Conservation Fund.

(b) Any revenues received by the state from the federal government pursuant to the former Section 8g of the Outer Continental Shelf Land Act {now 43 U.S. C. Sec. 1337(g)} shall be deposited in the Fund, with the exception of revenues allocated to local government pursuant to Section 35033 as it existed in 1996.

(c) Unless otherwise required by federal law, and notwithstanding any other provision of law, any revenues received by the State or the Commission pursuant to litigation over the lease of state lands for oil or gas extraction or the sale of oil and gas from state lands, or over the sale of oil or gas from federal outer continental shelf land and waters shall be deposited in the Fund, regardless of when the litigation was filed.

Chapter 5. General Provisions.



5950.31 (a) An annual audit shall be performed by the Auditor General to determine whether the provisions of this Division are being carried out in accordance with the intent and requirements of this Division. The Auditor General shall report to the Governor and the Legislature the results of the audit. The Commission shall appropriate sufficient funds from the Fund to pay for the audit.

(b) At least in each year ending in 0, every local agency intending to seek funds pursuant to this Division shall place on the ballot a list of projects and programs for which funding will be sought in the next ten years, or in a lesser period if the election is held more often than every ten years.. The local agencies may only seek funding from the Fund for projects and programs on the list, and only if the measure is approved by a majority of the voters in the county. Local agencies may apply for funding pursuant to the Division prior to January 1, 2001 without a local vote. Projects to be carried out by state agencies and projects which are specifically named in this Division are not subject to the requirements of this subdivision.

(c) No department or local agency shall expend more than two percent of the funds it receives pursuant to this Division for administration of those funds , including administration of competitive grant programs.

5950.32. Any public agency, or nonprofit organization which receives funding from a public agency pursuant to this act, installing signage on property entirely or partially acquired, protected, developed, or otherwise improved, maintained, or preserved through funds provided pursuant to this act shall include on that signage a statement that the project or property was made possible in whole or part by funds provided by the California Water and Land Conservation Fund, approved by the voters in 1998.

Section 6217 is amended as follows:

6217. With the exception of revenues derived from state school lands and from sources described in Sections 6217.6, 6301.5, 6301.6, 6855, and 8551 to 8558, inclusive, and Section 6406 (insofar as the proceeds are from property that has been distributed or escheated to the state in connection with unclaimed estates of deceased persons), and with the exception of revenues received from the lease of state lands for oil or gas extraction, and the sale of oil and gas produced from beneath state lands the commission shall deposit in the State Treasury all revenues, moneys, and remittances received by it under this division, and under Chapter 138 of the Statutes of 1964, First Extraordinary Session, and these sums shall be applied to the following obligations in the following order:

(a) To the General Fund, the revenue necessary to provide in any fiscal year for the following:

(1) Payment of refunds, authorized by the commission, out of appropriations made for that purpose by the Legislature.

(2) Payment of expenditures of the commission as provided in the annual Budget Act approved by the Legislature.

(3) Payments to cities and counties of the amounts specified in Section 6817 for the purposes specified in that section, and the revenues so deposited are appropriated for that purpose.

(4) Payments to cities and counties of the amounts agreed to pursuant to Section 6875.

(b) To the California Water Fund each fiscal year the amount of twenty-five million dollars (\$25,000,000).

(c) To the Central Valley Water Project Construction Fund each fiscal year the amount of five million dollars (\$5,000,000).

(d) (1) To the General Fund, the amount of five hundred twenty-five thousand dollars (\$525,000) for each of the 1994-95, 1995-96, 1996-97, 1997-98, and 1998-99 fiscal years for distribution for public and private higher education for use as up to two-thirds of the local matching share for projects under the National Sea Grant College and Program Act of 1966 (P.L. 89-688) approved, upon the recommendation of the advisory panel appointed pursuant to this section, by the Secretary of the Resources Agency or his or her designee. The Secretary of the Resources Agency shall submit a report to the Legislature on or before January 1, 1993, that evaluates this program and makes recommendations on whether changes should be made to the program or whether it should be continued. The Legislature shall consider recommendations from the Secretary of the Resources Agency and other interested parties on the benefits to the people of the state derived from this program and shall determine whether or not to continue similar appropriations for subsequent fiscal years.

(2) There shall be an advisory panel to the Secretary of the Resources Agency consisting of 17 members, which shall do all of the following:

(A) Identify state needs that might be met through Sea Grant research projects, including, but not limited to, such fields as living marine resources, aquaculture, ocean engineering, marine minerals, public recreation, coastal physical processes and coastal and ocean resources planning and management, and marine data acquisition and dissemination, establish priorities for those needs, and transmit those needs and priorities to the Legislature not later than January 1 of each year and include them in all announcements of proposals for grants in the following fiscal year.

(B) Review all applications for funding under this section and make recommendations based upon the priorities it establishes.

(C) Periodically review progress on Sea Grant research projects subsequent to their approval and funding under this section.

(D) Make recommendations to the Secretary of the Resources Agency with respect to the implementation of this section.

(3) The Secretary of the Resources Agency shall appoint the following members of the advisory panel, who shall serve at the pleasure of the secretary:

(A) A representative of the Department of Boating and Waterways.

(B) A representative of the Department of Conservation.

(C) A representative of the Department of Fish and Game.

—

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(D) The Executive Director of the California Coastal Commission or his or her designee.

(E) A representative of the fish industry.

(F) A representative of the aquaculture industry.

(G) A representative of the ocean engineering industry.

(H) A representative of the University of California.

(I) A representative of the California State University.

(J) A representative of a private California institution of higher education which is participating in the National Sea Grant Program.

(K) A representative of the State Lands Commission.

(L) A representative of the Office of Environmental Health Hazard Assessment.

(M) A representative of the State Water Resources Control Board.

(N) A representative of the Office of Oil Spill Prevention and Response in the Department of Fish and Game, designated by the administrator for oil spill response.

(4) The Senate Committee on Rules shall appoint one Member of the Senate to the panel, who shall serve at the pleasure of the Senate Committee on Rules.

(5) The Speaker of the Assembly shall appoint one Member of the Assembly to the panel, who shall serve at the pleasure of the Speaker. This member shall not be of the same political party as the member appointed by the Senate Committee on Rules.

(6) The Secretary of the Resources Agency, or the secretary's designee, shall serve as chairperson of the panel. Panel members shall serve without compensation.

(7) The Sea Grant research projects selected for state support under this subdivision shall have a clearly defined benefit to the people of the state. These projects, to be conducted by universities, colleges, or other institutions participating in the California Sea Grant College Program, shall be applicable to marine and coastal resources management, policy, science, and engineering issues that face the state now or in the reasonably foreseeable future. The Legislature hereby finds and declares that the funding provided by this subdivision is needed to stimulate the development and utilization of ocean and coastal resources by working constructively with private sector firms and individuals. The Legislature further recognizes the high productivity of the California Sea Grant College Program, the only statewide program systematically devoted to supporting fundamental research, education, and extension activities on the diversity of problems related to marine resource protection and development. Nothing in this subdivision shall be construed to preclude the application for funding of any project that would be eligible for funding under the terms of the National Sea Grant College and Program Act of 1966.

(e) To the Capital Outlay Fund for Public Higher Education for the 1984-85 fiscal year the amount of one hundred two million one hundred sixty-eight thousand dollars (\$102,168,000), and for each fiscal year thereafter, the amount necessary to provide for an unencumbered balance available for appropriation on July 1 of each fiscal year of one hundred twenty-five million dollars (\$125,000,000).

(f) To the Energy and Resources Fund each fiscal year, commencing with the 1985-86 fiscal year, the amount of sixty-five million dollars (\$65,000,000).

(g) To the Special Account for Capital Outlay, the balance of all revenues in excess of the amount distributed under subdivisions (a), (b), (c), (d), (e), and (f). The commission may authorize the refund of moneys received or collected by it illegally or by mistake, inadvertence, or error. Claims authorized by the commission shall be filed with the Controller, and the Controller shall draw his or her warrant against the General Fund in payment of the refund from any appropriation made for that purpose.

All references in any law to former Section 6816, which was repealed by Chapter 981 of the Statutes of 1968, shall be deemed to refer to this section.

Section 6217.1 of the Public Resources Code is enacted to read as follows:

6217.1 All references in any law existing on January 1, 1997 to former Section 6816, which was repealed by Chapter 981 of the Statutes of 1968, shall be deemed to refer to this section.

(a) With the exception of revenues derived from state school lands and from sources described in Sections 8551 to 8558 inclusive as they existed on January 1, 1997, and Section 6406 as it existed on January 1, 1997 (insofar as the proceeds are from property that has been distributed or escheated to the state in connection with unclaimed estates of deceased persons), the commission shall deposit in the Fund all revenues, moneys, and remittances received by it pursuant to oil and gas leases and sales of oil and gas from beneath state lands under this division and under Chapter 138 of the Statutes of 1964, First Extraordinary Session, and these sums shall be applied to the following obligations:

First priority shall be given to the following payments, to the extent they are not paid pursuant to Section 6217:

(1) Payments to cities and counties of the amounts specified in Section 6817 as it existing on January 1, 1997 for the purposes specified in that section.

(2) Payments to cities and counties of the amounts agreed to pursuant to Section 6875 as it existing on January 1, 1997.

(3) The costs of the audit required by subdivision (a) of Section 5950.31, and the costs of the Commission in administering this Division. The Commission may spend no more than one percent of the Fund in any fiscal year to administer this Division.

(4) The commission may refund moneys received or collected by it illegally or by mistake, inadvertence, or error.

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(b) The Commission shall allocate the remaining monies in the Fund first to projects in subdivision (c). Projects in subdivision (c) shall be completed as quickly as possible. Funds shall be transferred to agencies designated in subdivision (c) upon their demonstration that they are prepared to spend the money pursuant to the requirements of that subdivision. At the end of any fiscal year in which some or all of the monies in the Fund are not needed to implement the projects in subdivision (c), they shall be allocated according to subdivision (d). Projects listed in subdivision (c) may also be implemented through any other source of funds.

(c) Funds shall be allocated to the following projects. If any of the funds allocated to a project pursuant to this subdivision are not spent by January 1, 2015, they shall be permanently allocated in accordance with the requirements of subdivision (d).

(1) To the Wildlife Conservation Board, fifty eight million dollars (\$58,000,000) for the following projects and programs:

(A) Twenty five million dollars (\$25,000,000) for acquisition of lands for the implementation of Habitat Conservation Plans and Natural Community Conservation Plans.

(B) Five million dollars (\$5,000,000) for acquisition of lands containing watersheds whose preservation will protect sources of drinking water.

(C) Ten million dollars (\$10,000,000) for a grant to the Riverside County Regional Park and Open space district to acquire natural lands in the Norco Hills.

(D) Two million dollars (\$2,000,000) for the acquisition of critical natural areas and wildlife habitat on the Palos Verdes Peninsula, and for grants to nonprofit organizations for this purpose.

(E) Six million dollars (\$6,000,000) for the acquisition of natural lands along the Kern River Parkway and to protect endangered species pursuant to Habitat Conservation Plans within Kern County.

(F) Five million dollars (\$5,000,000) for the acquisition of natural lands along the South Fork of the American River from Chili Bar to Coloma, and from downstream of Greenwood Creek to the Salmon Falls Bridge. These funds may also be used to acquire hydroelectric facilities downstream of White Rock Powerhouse on a voluntary basis which can be used for the dual purposes of hydroelectric generation and water releases for recreation and fish and wildlife.

(G) Five million dollars (\$5,000,000) for the acquisition of mixed redwood, douglas fir, tan oak, madrone and chinquapin forests; forested wildlife corridors; and riparian and aquatic habitat (including spawning gravels and rearing pools for steelhead, coho and native king salmon) in the Mattole River headwaters near the town of Whitethorn in Humboldt and Mendocino Counties.

(2) To the California Department of Parks and Recreation, \$295 million for the following projects and programs:

(A) Five million dollars (\$5,000,000) for the acquisition of lands containing old growth or second growth redwoods, or of lands necessary to protect existing state parks containing redwoods.

(B) Thirty million dollars (\$30,000,000) for a grant to the City of Laguna Beach for the acquisition of open space land, natural lands and buffer areas within and contiguous to the Laguna Greenbelt, especially within Laguna Canyon.

(C) Fifteen million dollars (\$15,000,000) for acquisition of lands to protect the entrance of the Indian Palm Canyon Park near Palm Springs. No land shall be acquired without the approval of the Agua Caliente Band of Cahuilla Indians.

(D) Twenty million dollars (\$20,000,000) for acquisition of land and agricultural conservation easements within the Chino Agricultural Preserve, including grants by the County to nonprofit organizations administering the San Bernardino Agricultural and Open Space Acquisition and Preservation Program.

(E) Five million dollars (\$5,000,000) for a grant to the City of Carpinteria to acquire lands on the Carpinteria Bluffs.

(F) Ten million dollars (\$10,000,000) for a grant to the City of Redding to construct the Turtle Bay Science and Watershed Education Center in the City of Redding.

(G) Sixty million dollars (\$60,000,000) for a grant to the City and County of San Francisco to improve the California Academy of Sciences.

(H) Five million dollars (\$5,000,000) for acquisition of lands to expand Mount Diablo State Park and for grants to the East Bay Regional Park District to protect lands in the vicinity of Mount Diablo State Park.

(I) Five million dollars (\$5,000,000) for acquisitions within and adjacent to Big Basin Redwoods State Park and Castle Rock State Park in the Santa Cruz Mountains

(J) Ten million dollars (\$10,000,000) for land acquisition to expand the Monterey Bay State Seashore, and for grants to local agencies for those purposes.

(K) Twenty million dollars (\$20,000,000) for the acquisition of land on the north coast of Santa Cruz County, with preference given to single large holdings including significant agricultural lands, and to the expansion of Wilder Ranch State Park.

(L) Fifty million dollars (\$50,000,000) for a grant to the County of Los Angeles for the following projects:

(i) Fifteen million dollars (\$15,000,000) for the improvement of the park lands surrounding the Hollywood Bowl, and for the development, improvement, restoration and rehabilitation of the Hollywood Bowl to be implemented by the Hollywood Bowl Foundation in accordance with the program previously approved by the Foundation and the Los Angeles County Department of Parks and Recreation.



- (ii) Thirty five million dollars (\$35,000,000) for use at Exposition Park as follows:
- (a) Twenty million dollars (\$20,000,000) for improvements to the Los Angeles Natural History Museum.
 - (b) Fifteen million dollars (\$15,000,000) for improvements to the California Science Center, formerly known as the Museum of Science and Industry.
 - (M) Ten million dollars (\$10,000,000) to the County of Marin to preserve agricultural lands in the watersheds of Tomales Bay, and Bolinas Lagoon, to protect Point Reyes National Seashore and the Golden Gate National Recreation Area from the effects of development. Acquisition shall be primarily of permanent easements.
 - (N) For competitive grants to divert at-risk youth into health life-styles, as follows:
 - (i) Twenty million dollars (\$20,000,000) for grants to local conservation corps to undertake conservation projects
 - (ii) Twenty million dollars (\$20,000,000) for grants to local agencies for facilities serving recreation programs aimed at diverting at-risk youth away from criminal, gang and drug lifestyles into healthier lifestyles.
 - (iii) Ten million dollars (\$10,000,000) for grants to local agencies to build facilities to improve the safety of neighborhood parks.

(3) Fifty million dollars (\$50,000,000) to the Santa Monica Mountains Conservancy for the acquisition and maintenance of natural lands within the jurisdiction of the Conservancy.

(4) Ten million dollars (\$10,000,000) to the San Joaquin River Conservancy for the acquisition and maintenance of lands along the San Joaquin River from Friant Dam to Highway 99.

(5) Thirty million dollars (\$30,000,000) to the State Coastal Conservancy for grants to local governments and nonprofit agencies to acquire lands containing redwoods, wetlands in San Francisco Bay, and coastal and open space lands in San Mateo and Santa Cruz Counties.

(d) When monies from the Fund are required to implement projects listed in subdivision (c), they shall go to those projects. Remaining monies in the Fund not required for the projects in subdivision (c) shall be allocated to the following programs in accordance with the following formula. If the funds allocated by any of the paragraphs in this subdivision are not spent in a given fiscal year, they shall be available to be spent according to the purposes of that paragraph in future fiscal years, and shall not be diverted to any other purpose.

(1) To the Resources Secretary:

(A) One percent for distribution for public and private higher education for use as up to two-thirds of the local matching share for projects under the National Sea Grant College and Program Act of 1966 (P.L. 89-688) approved by the Secretary, upon the recommendation of an advisory panel appointed by the Secretary. Nothing in this subdivision shall be construed to preclude the application for funding of any project that would be eligible for funding under the terms of the National Sea Grant College and Program Act of 1966.

(B) One percent for competitive grants for environmental education emphasizing protection and rehabilitation of watersheds which are sources of drinking water coming from surface or groundwater.

(2) To the Water Resources Control Board, five percent for competitive grants to local agencies and nonprofit organizations to improve drinking water supplies by protecting and restoring watersheds.

(3) To the Department of Parks and Recreation:

(A) Three percent for acquisition and maintenance of land containing old growth redwoods, and lands needed to protect and restore old growth redwoods.

(B) Five percent for competitive grants to local agencies for recreation, conservation and related programs benefiting at-risk youth and aiding in gang prevention efforts, including graffiti removal programs.

(C) Four percent for distribution to local agencies and nonprofit organizations for competitive grants to improve the safety of neighborhood parks. Funds shall be distributed pursuant to a competitive grant program administered by the Department.

(D) Five percent for competitive grants to local conservation corps for programs to employ at-risk and disadvantaged youth in conservation work.

(E) Three percent for stewardship programs in State Parks, as defined in subdivision (k) of Section 5902.

(F) Two percent for a competitive grant program to local agencies and nonprofit organizations for trail construction.

(G) One percent for a competitive grant program to local agencies and nonprofit organizations for the preservation of archaeological resources.

(H) One percent for maintenance of the Snopark program

(4) To the Department of Fish and Game, for the following programs:

(A) Three percent to enforce wildlife protection laws for marine and intertidal plants and animals along the coast and in San Francisco Bay.

(B) One percent for habitat improvement programs to enhance natural reproduction of native salmon, steelhead and trout.

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- (5) To the State Coastal Conservancy, for the following programs:
 (A) Twelve percent to acquire and maintain new parks, wildlife areas, and other natural lands and agricultural lands within the jurisdiction of the Conservancy..
 (B) One percent to maintain access trails and other accessways to the coast and San Francisco Bay..
- (6) To the Santa Monica Mountains Conservancy eight percent for programs of the Conservancy.
- (7) To the San Joaquin River Conservancy, two percent to acquire and maintain new parks, wildlife areas, and other public lands within the jurisdiction of the Conservancy .
- (8) To the Coachella Valley Mountains Conservancy, two percent to acquire and maintain wildlife areas and other public lands within the jurisdiction of the Conservancy .
- (9) To the Wildlife Conservation Board, for the following programs:
 (A) One percent to acquire and maintain land for the purposes of wildlife protection and public access to waterways.
 (B) Six percent for a competitive grant program for acquisition of land and habitat improvement along river parkways.
 (C) Ten percent for acquisition of land needed to implement habitat conservation plans, and for the maintenance of that land.
- (10) To the California Tahoe Conservancy, three percent for programs of the Conservancy.
- (11) To the Department of Conservation, ten percent to carry out the Agricultural Land Stewardship Program pursuant to Division 10.2 (commencing with Section 10200).
- (12) To the Commission, for the following programs:
 (A) Two percent to acquire natural lands for preservation by the appropriate state agency, as determined by the Commission.
 (B) One percent to carry out the purposes of Division 7 (commencing with Section 8600).
 (C) One percent for removal of navigational, environmental, and other hazards to public health and safety on tide, submerged and other state lands.
- (13) To the Department of Water Resources, three percent for the Urban Streams Program.
- (14) To the Department of Forestry and Fire Protection, three percent for the Urban Forestry Program.
- (e) In expending the funds allocated to it by subdivisions (c) and (d) to acquire land, each agency may use the funds allocated to it by that section to establish a trust fund of no more than 20 percent of the funds used to acquire land. Interest from the trust fund shall be used to maintain the lands that are acquired pursuant to this section. For purposes of this section, maintenance shall include stewardship of the natural and recreational values of the land, development of public access in a way that does not degrade the purposes for which the land was acquired, and maintenance of such access. Agencies which acquire land and transfer it to another agency shall also transfer to the receiving agency the trust funds which are established to maintain that land.
- (f) Any agency receiving funds pursuant to this section may adopt regulations governing the use of those funds, consistent with the requirements of this act.
- (g) Notwithstanding Section 13340 of the Government Code, all funds appropriated pursuant to this Act are continuously appropriated without regard to fiscal year.

Section 6817 is amended to read:

6817. (a) The Controller shall annually as of June 30th of each calendar year apportion, for the fiscal year ending on that date, to each city or county having within its boundaries ungranted tide and submerged lands or other tide and submerged lands granted to it by the state in which the state has reserved the rights to the mineral deposits contained therein, 1 percent of the revenues paid to the state under Article 4 (commencing with Section 6870) from those tide and submerged lands which are within the limits of the particular county or city, except that the total amount apportioned to each city or county in each year shall not exceed one hundred thousand dollars (\$100,000) per mile, or fraction of a mile, of ocean frontage within, and owned or operated as a park by, that city or county, and leased by the commission for the production of oil, gas, and other hydrocarbons, and only in those cases where the ocean frontage is available to the public free of charge for recreational purposes. However, that limitation on the amount which may be apportioned to each city or county in each year shall not apply to revenues from leases within the limits of the particular county or city which exceed the revenues paid to the state during the 1983-84 fiscal year. Any city which is fronted, in whole or in part, by a state oil and gas lease shall be qualified to receive an apportionment under this

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section based on the formula contained in this section. For purposes of this section, tide and submerged lands within the limits of a city shall not be deemed to be within the boundaries of a county except in the case of a city and county. The commission shall, at the time of remitting revenues to the State Treasury received under Article 4 (commencing with Section 6870), report to the Controller the total amount of the revenue paid from the tide and submerged lands to the state shown with respect to each city or county to which that amount is applicable. The apportionment for any given fiscal year shall be based upon the physical facts with respect to each city or county existing on June 30th of the next preceding fiscal year. The report of the commission and the apportionments of the Controller shall be final.

(b) In addition to any amounts payable to a city or county pursuant to subdivision (a), 20 percent of revenues paid to the state under Article 4 (commencing with Section 6870) which are derived from the production of oil, gas, and other hydrocarbons from a state tideland lease, not to exceed a total amount of two hundred million dollars (\$200,000,000), adjusted annually to reflect increases in the cost of living, as measured by the California Consumer Price Index, shall be paid to the city or county within whose boundaries the lease is located, for a period not to exceed 20 years from commencement of payment, if oil, gas, or other hydrocarbons are extracted under the lease under any of the following circumstances, except as provided in subdivision (c):

(1) The lease was not under production at any time during 1994.

(2) Although the lease was under production at some time during 1994, the lease is subject to a boundary adjustment pursuant to Section 6872.5.

(3) Although the lease was under production in 1994, the lease has new production from a new drilling site constructed after January 1, 1996, including a new offshore platform, an existing offshore platform that has been substantially modified to achieve an increase in production, a subsea well completion, or an upland drilling site where the upland drilling site was constructed pursuant to a development plan approved by the commission after January 1, 1996.

(4) The extraction is from a production zone not under production prior to January 1, 1996.

(5) The extraction is from new wells drilled as a result of a development plan approved by the commission after January 1, 1996.

(c) Subdivision (b) does not apply to any of the following:

(1) Oil and gas development on tide and submerged lands that have been granted by the state to local government without a reservation of the minerals to the state.

(2) The Long Beach Unit operations, notwithstanding the inclusion in those operations of the Alamitos Beach Park Lands as Tract No. 2.

(3) Any upland location or tideflats. "Tideflats" are areas that are marshy, sandy, or muddy and nearly horizontal coastal flatlands that are alternatively covered and exposed as the tide rises and falls, or which are located within 100 feet inland of the mean high tide line of any beach or tideflat.

(4) Any upland drilling site unless the site requires the use of slant drilling technology to extract oil, gas, or other hydrocarbons.

~~(5) Leases that do not have either a local or state development plan submitted for consideration on or before than January 1, 2002.~~

(d) (1) The amounts paid to cities and counties shall be deposited in a special tide and submerged lands fund established by the cities or counties, to be held in trust and to be expended only for the promotion and accommodation of commerce, navigation, and fisheries, for the protection of the lands within the boundaries of the cities and counties, for the promotion, accommodation, establishment, improvement, operation, and maintenance of public recreational beaches and coastline for the benefit of all the people of the state, and for the mitigation of any adverse environmental impact caused by exploration for hydrocarbons on state tide and submerged lands within city or county boundaries or caused by production or transportation of hydrocarbons produced on these tide and submerged lands.

(2) The Legislature hereby finds and declares that the purposes specified in paragraph (1) constitute matters of statewide interest and that the expenditure of funds for those purposes will benefit all of the people of the state.

(e) This section shall be operative with respect to all revenues received in the State Treasury on and after October 1, 1963.

Section 6855 of the Public Resources Code is repealed.

Section 6855 of the Public Resources Code is enacted to read as follows:

6855. In addition to the requirements of Section 6217.1, the proceeds of any lease for the extraction of any oil and gas from lands owned by the State, other than public lands or tide or submerged lands under the jurisdiction of the commission, property escheated to the State or held in trust, lands held by the State as tax-deeded property and lands acquired for state highway purposes, shall be paid into the California Water and Land Conservation Fund, regardless of whether such lease is executed pursuant to this chapter or any other provision of law.

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