



**SB-474 The California Wildlife Protection Act of 1990: Habitat Conservation Fund.** (2019-2020)

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CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

**SENATE BILL**

**No. 474**

**Introduced by Senator Stern**

**February 21, 2019**

An act to amend ~~Section 10500 of the Water Code, relating to water.~~ *Sections 2787, 2791, and 2796 of the Fish and Game Code, relating to wildlife, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 474, as amended, Stern. ~~Department of Water Resources: appropriations of water.~~ *The California Wildlife Protection Act of 1990: Habitat Conservation Fund.*

*Proposition 117, an initiative measure approved by the electors at the June 5, 1990, direct primary election, certain provisions of which can be amended by a majority vote, enacted the California Wildlife Protection Act of 1990. The act creates the Habitat Conservation Fund and requires the moneys in the fund to be used for specified purposes generally relating to the acquisition, enhancement, or restoration of wildlife habitat. The act requires the Controller, until June 30, 2020, to annually transfer \$30,000,000 from the General Fund to the Habitat Conservation Fund, less any amount transferred to the Habitat Conservation Fund from specified accounts and funds. The act, until July 1, 2020, continuously appropriates specified amounts from the Habitat Conservation Fund to the Department of Parks and Recreation, the State Coastal Conservancy, the Santa Monica Mountains Conservancy, and the California Tahoe Conservancy, and continuously appropriates the balance of the fund to the Wildlife Conservation Board.*

*This bill would require the Controller to continue to annually transfer \$30,000,000 from the General Fund, less any amount transferred to the Habitat Conservation Fund from specified accounts and funds, to the Habitat Conservation Fund until June 30, 2050, and would continuously appropriate that amount on an annual basis in the same proportions to the specified entities until July 1, 2050.*

~~Under existing law, the Department of Water Resources is required to make and file with the State Water Resources Control Board applications for the appropriation of any water that, in the department's judgment, is or may be required in the development and completion of all or part of a general or coordinated plan for the development, utilization, or conservation of the water resources of the state. Existing law gives those~~

~~applications priority, as of the date of filing the application, over any subsequent application and exempts certain water rights diligence provisions from generally applying to the applications.~~

~~This bill would eliminate the exemption from the application of the diligence provisions as of January 1, 2021.~~

Vote: ~~majority~~2/3 Appropriation: ~~no~~yes Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** *Section 2787 of the Fish and Game Code is amended to read:*

**2787.** Notwithstanding Section 13340 of the Government Code, the money in the fund is continuously appropriated, without regard to fiscal years, as follows:

(a) To the Department of Parks and Recreation, four million five hundred thousand dollars (\$4,500,000) annually for allocation as follows:

(1) One million five hundred thousand dollars (\$1,500,000) for projects that are located in the Santa Lucia Mountain Range in Monterey County for expenditure by the Department of Parks and Recreation and for grants to the Monterey Peninsula Regional Park District.

(2) One million dollars (\$1,000,000) for acquisitions in, and adjacent to, units of the state park system.

(3) Two million dollars (\$2,000,000) for 50 percent matching grants to local agencies for projects meeting the purposes specified in Section 2786 and, additionally, for the acquisition of wildlife corridors and urban trails, nature interpretation programs, and other programs ~~which~~ that bring urban residents into park and wildlife areas. The grants made pursuant to this subdivision are subject to the conditions of subdivision (d) of Section 5910, and Sections 5917 and 5919, of the Public Resources Code, as nearly as may be practicable.

(b) To the State Coastal Conservancy, four million dollars (\$4,000,000) annually.

(c) To the Santa Monica Mountains Conservancy, five million dollars (\$5,000,000) annually for the next 10 fiscal years, commencing with the 1990–91 fiscal year. The money shall be used for the purposes specified in Section 2786 for wildlife habitat, and for related open-space projects, within the Santa Monica Mountains Zone, the Rim of the Valley Corridor, and the Santa Clarita Woodlands. Of the total amount appropriated pursuant to this subdivision, not less than a total of ten million dollars (\$10,000,000) shall be spent within the Santa Susana Mountains and the Simi Hills, and not less than a total of ten million dollars (\$10,000,000) shall be spent within the Santa Clarita Woodlands. These funds shall be expended in accordance with Division 23 (commencing with Section 33000) of the Public Resources Code during the operative period of this section as specified in subdivision (f) and in Section 2797. The Legislature may, by statute, extend the period for expenditure of the funds provided by this paragraph.

(d) To the California Tahoe Conservancy, five hundred thousand dollars (\$500,000) annually.

(e) To the board, the balance of the fund.

(f) This section shall become operative on July 1, 1990, and, as of July 1, ~~2020~~, 2050, is repealed, unless a later enacted statute, which becomes effective on or before July 1, ~~2020~~, 2050, deletes or extends that date.

### **SEC. 2.** *Section 2791 of the Fish and Game Code is amended to read:*

**2791.** The board shall expend the money appropriated to it from the fund subject to the following conditions:

(a) Not more than one and one-half (1 1/2) percent shall be expended for administration of this chapter.

(b) The board shall, to the extent practicable, expend the money in a manner and for projects so that, within each 24-month period, approximately one-third of the total expenditures of the money in the fund, including, until July 1, ~~2020~~, 2050, the expenditures by the agencies receiving money from the fund pursuant to subdivisions (a) to (d), inclusive, of Section 2787, are expended for the purposes specified in subdivision (a) of Section 2786 and approximately two-thirds of the total expenditures of the money in the fund, including, until July 1, ~~2020~~, 2050, the expenditures by the agencies receiving money from the fund pursuant to subdivisions (a) to (d), inclusive, of Section 2787, are expended for the purposes specified in subdivisions (b) and (c) of Section 2786.

(c) Notwithstanding the requirement for acquisition in subdivisions (a), (b), and (c) of Section 2786, the board shall, to the extent practicable, expend the money in the fund in a manner and for projects so that, within each 24-month period, approximately six million dollars (\$6,000,000) of the money, including, until July 1, ~~2020,~~ **2050**, the expenditures by the agencies receiving money from the fund pursuant to subdivisions (a) to (d), inclusive, of Section 2787, are expended for the purposes specified in subdivision (d) of Section 2786.

(d) Notwithstanding the requirement for acquisition in subdivisions (a), (b), and (c) of Section 2786, the board shall, to the extent practicable, expend the money in the fund in a manner and for projects so that, within each 24-month period, approximately six million dollars (\$6,000,000) of the money, including, until July 1, ~~2020,~~ **2050**, the expenditures by the agencies receiving money from the fund pursuant to subdivisions (a) to (d), inclusive, of Section 2787, are expended for the purposes specified in subdivision (e) and (f) of Section 2786.

(e) To the extent practicable, the board shall expend the money appropriated to it from the fund in a manner and for projects so that, within each 24-month period, approximately one-half of the total expenditures of the money in the fund, including, until July 1, ~~2020,~~ **2050**, the expenditures by the agencies receiving money from the fund pursuant to subdivisions (a) to (d), inclusive, of Section 2787, are expended in northern California and approximately one-half in southern California.

(f) Subject to the other requirements of this section, the board may allocate not more than two million dollars (\$2,000,000) annually for the purposes of this chapter to one or more ~~State~~ **state** agencies created by the Legislature or the people ~~which~~ **that** are authorized by other provisions of law to expend funds for the purposes of this chapter.

**SEC. 3. Section 2796 of the Fish and Game Code is amended to read:**

**2796.** (a) The Controller shall annually transfer the sum of thirty million dollars (\$30,000,000) from the General Fund to the Habitat Conservation Fund, less any amount transferred to the Habitat Conservation Fund from, but not limited to, the following accounts and funds:

(1) The Public Resources Account in the Cigarette and Tobacco Products Surtax Fund to the extent authorized by the Tobacco Tax and Health Protection Act of 1988.

(2) The Unallocated Account in the Cigarette and Tobacco Products Surtax Fund pursuant to subdivision (a) of Section 2795.

(3) The California Environmental License Plate Fund.

(4) The Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund.

(5) Any other non-General Fund accounts and funds created by the Legislature or the people for purposes ~~which~~ **that** are consistent with the purposes of this act.

(6) Any bond funds ~~which~~ **that** are authorized by the people after July 1, 1990, ~~which~~ **that** may be used for purposes ~~which~~ **that** are identical to the purposes specified in Section 2786.

(7) The Wildlife Restoration Fund.

(b) Except for transfers from the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account, transfers from the Fish and Game Preservation Fund are not transfers for purposes of subdivision (a) and shall not be made to the fund. Transfers of federal, local, or privately donated funds or transfers from the State Coastal Conservancy Fund pursuant to Section 31011 of the Public Resources Code to the fund are not transfers for purposes of subdivision (a).

(c) This section does not limit the amount of funds ~~which~~ **that** may be transferred to the fund or ~~which~~ **that** may be expended for fish and wildlife habitat protection either from the fund or from any other sources.

(d) This section shall become operative on July 1, 1990, shall become inoperative on June 30, ~~2020,~~ **2050**, and, as of January 1, ~~2021,~~ **2051**, is repealed, unless a later enacted statute, which becomes effective before January 1, ~~2021,~~ **2051**, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SECTION 1. Section 10500 of the Water Code is amended to read:~~

~~10500.(a)The department shall make and file applications for any water that in its judgment is or may be required in the development and completion of the whole or any part of a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the state.~~

~~(b)Any application filed pursuant to this part shall be made and filed pursuant to Part 2 (commencing with Section 1200) of Division 2 and the rules and regulations of the State Water Resources Control Board relating to the appropriation of water insofar as applicable.~~

~~(c)Applications filed pursuant to this part shall have priority, as of the date of filing, over any application made and filed subsequent to that date.~~

~~(d)The statutory requirements of Part 2 (commencing at Section 1200) of Division 2 relating to diligence shall not apply to applications filed under this part, except as otherwise provided in Section 10504. This subdivision shall become inoperative January 1, 2021.~~