

**Introduced by Senator De León**February 23, 2015

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An act to add Chapter 14 (commencing with Section 5880) to Division 5 of the Public Resources Code, relating to financing a safe neighborhood parks, rivers, and coastal protection program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds.

## LEGISLATIVE COUNSEL'S DIGEST

SB 317, as introduced, De León. The Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2016.

Under existing law, various measures have been approved by the voters to provide funds for park, river, and coastal protections and programs.

This bill would enact the Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2016, which, if adopted by the voters at the November 8, 2016, statewide general election, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance a safe neighborhood parks, rivers, and coastal protection program.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

- 1 SECTION 1. The Legislature finds and declares as follows:
- 2 (a) Californians value parks and the natural lands of the state.

1 (b) Demand for local parks has exceeded available funding by  
2 a factor of eight to one, with particularly high demand in urban,  
3 disadvantaged communities.

4 (c) Many Californians across the state lack access to safe parks  
5 and recreation areas, which limits their ability to experience the  
6 outdoors, improve their physical and emotional health, exercise,  
7 and connect with their communities. Investments to create and  
8 improve parks and recreation areas will help ensure all Californians  
9 have access to safe places to exercise and recreate.

10 (d) Continued investment in the state's parks, natural resources,  
11 and in greening urban areas will mitigate the effects of climate  
12 change, making cities more livable, and protecting California's  
13 natural resources for future generations.

14 (e) Investments to protect and restore the state's rivers, lakes,  
15 streams, and coastal waters and their related watersheds will  
16 improve water quality and reliability, enhance fish and wildlife  
17 habitats, and provide recreational, economic, and public health  
18 benefits to Californians.

19 SEC. 2. Chapter 14 (commencing with Section 5880) is added  
20 to Division 5 of the Public Resources Code, to read:

21

22 CHAPTER 14. THE SAFE NEIGHBORHOOD PARKS, RIVERS, AND  
23 COASTAL PROTECTION BOND ACT OF 2016

24

25 Article 1. Title

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27 5880. This chapter shall be known, and may be cited, as the  
28 Safe Neighborhood Parks, Rivers, and Coastal Protection Bond  
29 Act of 2016.

30

31 Article 2. Definitions

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33 5880.5. As used in this chapter, the following terms have the  
34 following meanings:

35 (a) "Acquisition" means the acquisition of a fee interest or any  
36 other interest in real property including easements, leases, and  
37 development rights.

38 (b) "Board" means the Wildlife Conservation Board.

39 (c) "Department" means the Department of Parks and  
40 Recreation.

1 (d) “Development” includes, but is not limited to, the physical  
2 improvement of real property including the construction of facilities  
3 or structures.

4 (e) “Disadvantaged community” means a community with a  
5 median household income less than 80 percent of the statewide  
6 average.

7 (f) “Greenprint” means a plan for providing parks, greenspace,  
8 and urban forestry within an urbanized area to enhance climate  
9 resilience, improve public health and living conditions, and protect  
10 open-space lands around a developed area to support an adopted  
11 sustainable communities strategy.

12 (g) “Interpretation” includes, but is not limited to, a  
13 visitor-serving amenity that enhances the ability to understand and  
14 appreciate the significance and value of natural, historical, and  
15 cultural resources and that may utilize educational materials in  
16 multiple languages, digital information, and the expertise of a  
17 naturalist or other specialist skilled at educational interpretation.

18 (h) “Nonprofit organization” means an organization qualified  
19 to do business in California and qualified under Section 501(c)(3)  
20 of the Internal Revenue Code.

21 (i) “Preservation” means rehabilitation, stabilization, restoration,  
22 development, and reconstruction, or any combination of those  
23 activities.

24 (j) “Protection” means those actions necessary to prevent harm  
25 or damage to persons, property, or natural resources or to allow  
26 the continued use and enjoyment of property or natural resources,  
27 and includes acquisition, development, restoration, preservation,  
28 and interpretation.

29 (k) “Restoration” means the improvement of physical structures  
30 or facilities and, in the case of natural systems and landscape  
31 features, includes, but is not limited to, projects for the control of  
32 erosion, the control and elimination of exotic species, prescribed  
33 burning, fuel hazard reduction, fencing out threats to existing or  
34 restored natural resources, road elimination, and other plant and  
35 wildlife habitat improvements to increase the natural system value  
36 of the property.

Article 3. General Provisions

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3 5881. The proceeds of bonds issued and sold pursuant to this  
4 chapter shall be deposited in the Safe Neighborhood Parks, Rivers,  
5 and Coastal Protection Fund of 2016, which is hereby created in  
6 the State Treasury. Except as specifically provided in this chapter,  
7 moneys in the fund shall be available for appropriation by the  
8 Legislature in the manner and for the purposes set forth in this  
9 chapter.  
10 5881.5. (a) Projects funded with proceeds of bonds issued and  
11 sold pursuant to this chapter shall promote state planning priorities  
12 consistent with Section 65041.1 of the Government Code and  
13 sustainable communities strategies consistent with subparagraph  
14 (B) of paragraph (2) of subdivision (b) of Section 65080 of the  
15 Government Code.  
16 (b) To the extent feasible in implementing this chapter, state  
17 agencies shall seek to achieve wildlife conservation objectives  
18 through projects on public lands or voluntary projects on private  
19 lands. Funds may be used, in consultation with the Department of  
20 Fish and Wildlife, for payments for the creation of measurable  
21 habitat improvements or other improvements to the condition of  
22 endangered or threatened species including through the  
23 development and implementation of habitat credit exchanges.  
24 (c) In evaluating projects for protection of natural resources and  
25 wildlife, priority shall be given to projects that implement adopted  
26 natural community conservation plans or endangered species  
27 recovery plans.  
28 (d) The Natural Resources Agency shall develop and adopt a  
29 statewide resource protection plan to identify priorities for  
30 expending funds provided pursuant to this chapter that reflects  
31 statewide and regional resource protection, and public access and  
32 availability to underserved populations. Conservation plans  
33 developed and adopted by departments and conservancies shall  
34 be consistent with statewide priorities adopted by the Natural  
35 Resources Agency.  
36 (e) Restoration projects shall include the planning, monitoring,  
37 and reporting necessary to ensure successful implementation of  
38 the project objectives.

1 Article 4. Parks

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3 5882. The sum of \_\_\_\_ dollars (\$\_\_\_\_) from the fund shall be  
4 available to the department for the creation and expansion of safe  
5 neighborhood parks in critically underserved communities in  
6 accordance with Chapter 3.3 (commencing with Section 5640).

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8 Article 5. Rivers, Lakes, and Streams

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10 5883. The sum of \_\_\_\_ dollars (\$\_\_\_\_) from the fund shall be  
11 available for the protection of rivers, lakes, streams, and their  
12 watersheds.

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14 Article 6. Coast and Ocean Protection

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16 5884. The sum of \_\_\_\_ dollars (\$\_\_\_\_) from the fund shall be  
17 available for the protection of beaches, bays, and coastal resources.

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19 Article 7. Climate Resilience

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21 5885. The sum of \_\_\_\_ dollars (\$\_\_\_\_) from the fund shall be  
22 available for grants to improve the climate resilience of urban areas  
23 and natural resources including, but not limited to, projects that  
24 do the following:

- 25 (a) Develop or implement a regional or local greenprint.  
26 (b) Expand or protect urban forests, and provide urban greening  
27 to reduce urban heat island effect and mitigate climate change  
28 impacts in populated areas.  
29 (c) Improve forest conditions to reduce wildfires, increase  
30 carbon sequestration, and improve forest health.  
31 (d) Use natural systems to improve resilience to climate change  
32 including protection and restoration of watersheds and coastal  
33 wetlands.

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35 Article 8. Fiscal Provisions

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37 5889. (a) Bonds in the total amount of \_\_\_\_ dollars (\$\_\_\_\_),  
38 or so much thereof as is necessary, not including the amount of  
39 any refunding bonds issued in accordance with Section 5895 may  
40 be issued and sold to provide a fund to be used for carrying out

1 the purposes expressed in this chapter and to reimburse the General  
2 Obligation Bond Expense Revolving Fund pursuant to Section  
3 16724.5 of the Government Code. The bonds, when sold, shall be  
4 and constitute a valid and binding obligation of the State of  
5 California, and the full faith and credit of the State of California  
6 is hereby pledged for the punctual payment of both principal of,  
7 and interest on, the bonds as the principal and interest become due  
8 and payable.

9 (b) The Treasurer shall sell the bonds authorized by the  
10 committee pursuant to this section. The bonds shall be sold upon  
11 the terms and conditions specified in a resolution to be adopted  
12 by the committee pursuant to Section 16731 of the Government  
13 Code.

14 5889.5. The bonds authorized by this chapter shall be prepared,  
15 executed, issued, sold, paid, and redeemed as provided in the State  
16 General Obligation Bond Law (Chapter 4 (commencing with  
17 Section 16720) of Part 3 of Division 4 of Title 2 of the Government  
18 Code), and all of the provisions of that law apply to the bonds and  
19 to this chapter and are hereby incorporated in this chapter as though  
20 set forth in full in this chapter, except subdivisions (a) and (b) of  
21 Section 16727 of the Government Code.

22 5890. (a) Solely for the purpose of authorizing the issuance  
23 and sale pursuant to the State General Obligation Bond Law  
24 (Chapter 4 (commencing with Section 16720) of Part 3 of Division  
25 4 of Title 2 of the Government Code) of the bonds authorized by  
26 this chapter, the Safe Neighborhood Parks, Rivers, and Coastal  
27 Protection Finance Committee is hereby created. For purposes of  
28 this chapter, the Safe Neighborhood Parks, Rivers, and Coastal  
29 Protection Finance Committee is “the committee” as that term is  
30 used in the State General Obligation Bond Law.

31 (b) The committee consists of the \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and  
32 \_\_\_\_\_. Notwithstanding any other provision of law, any member  
33 may designate a representative to act as that member in his or her  
34 place for all purposes, as though the member were personally  
35 present.

36 (c) The \_\_\_\_\_ shall serve as chairperson of the committee.

37 (d) A majority of the committee may act for the committee.

38 5890.5. The committee shall determine whether or not it is  
39 necessary or desirable to issue bonds authorized pursuant to this  
40 chapter in order to carry out the actions specified in this chapter

1 and, if so, the amount of bonds to be issued and sold. Successive  
2 issues of bonds may be authorized and sold to carry out those  
3 actions progressively, and it is not necessary that all of the bonds  
4 authorized to be issued be sold at any one time.

5 5891. For purposes of the State General Obligation Bond Law,  
6 “board,” as defined in Section 16722 of the Government Code,  
7 means the \_\_\_\_.

8 5891.5. There shall be collected each year and in the same  
9 manner and at the same time as other state revenue is collected,  
10 in addition to the ordinary revenues of the state, a sum in an amount  
11 required to pay the principal of, and interest on, the bonds each  
12 year. It is the duty of all officers charged by law with any duty in  
13 regard to the collection of the revenue to do and perform each and  
14 every act that is necessary to collect that additional sum.

15 5892. Notwithstanding Section 13340 of the Government Code,  
16 there is hereby appropriated from the General Fund in the State  
17 Treasury, for the purposes of this chapter, an amount that will  
18 equal the total of the following:

19 (a) The sum annually necessary to pay the principal of, and  
20 interest on, bonds issued and sold pursuant to this chapter, as the  
21 principal and interest become due and payable.

22 (b) The sum that is necessary to carry out the provisions of  
23 Section 5893.5, appropriated without regard to fiscal years.

24 5892.5. The board may request the Pooled Money Investment  
25 Board to make a loan from the Pooled Money Investment Account  
26 in accordance with Section 16312 of the Government Code for the  
27 purpose of carrying out this chapter less any amount withdrawn  
28 pursuant to Section 5893.5. The amount of the request shall not  
29 exceed the amount of the unsold bonds that the committee has, by  
30 resolution, authorized to be sold for the purpose of carrying out  
31 this chapter. The board shall execute those documents required by  
32 the Pooled Money Investment Board to obtain and repay the loan.  
33 Any amounts loaned shall be deposited in the fund to be allocated  
34 in accordance with this chapter.

35 5893. Notwithstanding any other provision of this chapter, or  
36 of the State General Obligation Bond Law, if the Treasurer sells  
37 bonds that include a bond counsel opinion to the effect that the  
38 interest on the bonds is excluded from gross income for federal  
39 tax purposes under designated conditions or is otherwise entitled  
40 to any federal tax advantage, the Treasurer may maintain separate

1 accounts for the bond proceeds invested and for the investment  
2 earnings on those proceeds, and may use or direct the use of those  
3 proceeds or earnings to pay any rebate, penalty, or other payment  
4 required under federal law or take any other action with respect  
5 to the investment and use of those bond proceeds, as may be  
6 required or desirable under federal law in order to maintain the  
7 tax-exempt status of those bonds and to obtain any other advantage  
8 under federal law on behalf of the funds of this state.

9 5893.5. For the purposes of carrying out this chapter, the  
10 Director of Finance may authorize the withdrawal from the General  
11 Fund of an amount or amounts not to exceed the amount of the  
12 unsold bonds that have been authorized by the committee to be  
13 sold for the purpose of carrying out this chapter less any amount  
14 borrowed pursuant to Section 5892.5. Any amounts withdrawn  
15 shall be deposited in the fund. Any money made available under  
16 this section shall be returned to the General Fund, with interest at  
17 the rate earned by the money in the Pooled Money Investment  
18 Account, from proceeds received from the sale of bonds for the  
19 purpose of carrying out this chapter.

20 5894. All money deposited in the fund that is derived from  
21 premium and accrued interest on bonds sold pursuant to this chapter  
22 shall be reserved in the fund and shall be available for transfer to  
23 the General Fund as a credit to expenditures for bond interest,  
24 except that amounts derived from premium may be reserved and  
25 used to pay the cost of bond issuance prior to any transfer to the  
26 General Fund.

27 5894.5. Pursuant to Chapter 4 (commencing with Section  
28 16720) of Part 3 of Division 4 of Title 2 of the Government Code,  
29 the cost of bond issuance shall be paid out of the bond proceeds,  
30 including premium, if any. To the extent the cost of bond issuance  
31 is not paid from premiums received from the sale of bonds, these  
32 costs shall be shared proportionately by each program funded  
33 through this chapter by the applicable bond sale.

34 5895. The bonds issued and sold pursuant to this chapter may  
35 be refunded in accordance with Article 6 (commencing with  
36 Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of  
37 the Government Code, which is a part of the State General  
38 Obligation Bond Law. Approval by the voters of the state for the  
39 issuance of the bonds under this chapter shall include approval of

1 the issuance of any bonds issued to refund any bonds originally  
2 issued under this chapter or any previously issued refunding bonds.  
3 5895.5. The proceeds from the sale of bonds authorized by this  
4 chapter are not “proceeds of taxes” as that term is used in Article  
5 XIII B of the California Constitution, and the disbursement of  
6 these proceeds is not subject to the limitations imposed by that  
7 article.  
8 SEC. 3. Section 2 of this act shall take effect upon the approval  
9 by the voters of the Safe Neighborhood Parks, Rivers, and Coastal  
10 Protection Bond Act of 2016, as set forth in that section, which  
11 shall be submitted to the voters at the November 8, 2016, statewide  
12 general election.

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