

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 317

Introduced by Senator De León

February 23, 2015

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 amended, 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~~ *the total amount of \$2,450,000,000* 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.

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

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

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

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

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

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

26
27 Article 1. Title
28

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

32
33 Article 2. Definitions
34

35 5880.5. As used in this chapter, the following terms have the
36 following meanings:

- 1 (a) “Acquisition” means the acquisition of a fee interest or any
2 other interest in real property including easements, leases, and
3 development rights.
- 4 (b) “Board” means the Wildlife Conservation Board.
- 5 (c) “Department” means the Department of Parks and
6 Recreation.
- 7 (d) “Development” includes, but is not limited to, the physical
8 improvement of real property, including the construction of
9 facilities or structures.
- 10 (e) “Disadvantaged community” means a community with a
11 median household income less than 80 percent of the statewide
12 average.
- 13 (f) “Greenprint” means a plan for providing parks, greenspace,
14 and urban forestry within an urbanized area to enhance climate
15 resilience, improve public health and living conditions, and protect
16 open-space lands around a developed area to support an adopted
17 sustainable communities strategy.
- 18 (g) “Interpretation” includes, but is not limited to, a visitor
19 serving amenity that enhances the ability to understand and
20 appreciate the significance and value of natural, historical, and
21 cultural resources and that may utilize educational materials in
22 multiple languages, digital information, and the expertise of a
23 naturalist or other specialist skilled at educational interpretation.
- 24 (h) “Nonprofit organization” means an organization qualified
25 to do business in California and qualified under Section 501(c)(3)
26 of the Internal Revenue Code.
- 27 (i) “Preservation” means rehabilitation, stabilization, restoration,
28 development, and reconstruction, or any combination of those
29 activities.
- 30 (j) “Protection” means those actions necessary to prevent harm
31 or damage to persons, property, or natural resources or to allow
32 the continued use and enjoyment of property or natural resources,
33 and includes acquisition, development, restoration, preservation,
34 and interpretation.
- 35 (k) “Restoration” means the improvement of physical structures
36 or facilities and, in the case of natural systems and landscape
37 features, includes, but is not limited to, projects for the control of
38 erosion, the control and elimination of exotic species, prescribed
39 burning, fuel hazard reduction, fencing out threats to existing or
40 restored natural resources, road elimination, and other plant and

1 wildlife habitat improvements to increase the natural system value
2 of the property.

3

4

Article 3. General Provisions

5

6 5881. The proceeds of bonds issued and sold pursuant to this
7 chapter shall be deposited in the Safe Neighborhood Parks, Rivers,
8 and Coastal Protection Fund of 2016, which is hereby created in
9 the State Treasury. Except as specifically provided in this chapter,
10 moneys in the fund shall be available for appropriation by the
11 Legislature in the manner and for the purposes set forth in this
12 ~~chapter.~~ *chapter in accordance with the following schedule:*

13 (a) *The sum of one billion four hundred fifty million dollars*
14 *(\$1,450,000,000) for parks in accordance with Article 4*
15 *(commencing with Section 5882).*

16 (b) *The sum of three hundred seventy million dollars*
17 *(\$370,000,000) for rivers, lakes, and streams in accordance with*
18 *Article 5 (commencing with Section 5883).*

19 (c) *The sum of three hundred fifty million dollars (\$350,000,000)*
20 *for coast and ocean protection in accordance with Article 6*
21 *(commencing with Section 5884).*

22 (d) *The sum of two hundred eighty million dollars*
23 *(\$280,000,000) for climate resilience in accordance with Article*
24 *7 (commencing with Section 5885).*

25 5881.5. (a) Projects funded with proceeds of bonds issued and
26 sold pursuant to this chapter shall promote state planning priorities
27 consistent with Section 65041.1 of the Government Code and
28 sustainable communities strategies consistent with subparagraph
29 (B) of paragraph (2) of subdivision (b) of Section 65080 of the
30 Government Code.

31 (b) To the extent feasible in implementing this chapter, state
32 agencies shall seek to achieve wildlife conservation objectives
33 through projects on public lands or voluntary projects on private
34 lands. Funds may be used, in consultation with the Department of
35 Fish and Wildlife, for payments for the creation of measurable
36 habitat improvements or other improvements to the condition of
37 endangered or threatened species including through the
38 development and implementation of habitat credit exchanges.

39 (c) In evaluating projects for protection of natural resources and
40 wildlife, priority shall be given to projects that implement adopted

1 natural community conservation plans or endangered species
2 recovery plans.

3 ~~(d) The Natural Resources Agency shall develop and adopt a~~
4 ~~statewide resource protection plan to identify priorities for~~
5 ~~expending funds provided pursuant to this chapter that reflects~~
6 ~~statewide and regional resource protection, and public access and~~
7 ~~availability to underserved populations. Conservation plans~~
8 ~~developed and adopted by departments and conservancies shall~~
9 ~~be consistent with statewide priorities adopted by the Natural~~
10 ~~Resources Agency.~~

11 (e)
12 (d) Restoration projects shall include the planning, monitoring,
13 and reporting necessary to ensure successful implementation of
14 the project objectives.

15
16 Article 4. Parks
17

18 5882. The sum of ~~_____~~ dollars (~~\$_____~~) *eight hundred million*
19 *dollars (\$800,000,000)* from the fund shall be available to the
20 department for the creation and expansion of safe neighborhood
21 parks in ~~critically underserved communities~~ *park-poor*
22 *neighborhoods* in accordance with Chapter 3.3 (commencing with
23 Section 5640).

24 5882.5. *The sum of two hundred million dollars (\$200,000,000)*
25 *from the fund shall be available to the department for grants for*
26 *local park rehabilitation and improvement to local governments*
27 *on a per capita basis.*

28 5882.6. *The sum of two hundred million dollars (\$200,000,000)*
29 *from the fund shall be available to the department for grants for*
30 *the restoration, preservation and protection of regional parks and*
31 *parklands, including state parks whose operation and management*
32 *have been taken over by local or regional agencies, and other*
33 *parks operated through cooperative agreements or pursuant to*
34 *joint power authorities that include state and local agencies.*

35 5882.7. *The sum of two hundred million dollars (\$200,000,000)*
36 *from the fund shall be available to the department for restoration*
37 *and preservation of existing state park facilities and units to*
38 *preserve and increase public access and to protect natural*
39 *resources.*

1 5882.8. *The sum of fifty million dollars (\$50,000,000) from the*
 2 *fund shall be available to the department for enterprise activities*
 3 *that increase revenue generation to support operations of the*
 4 *department.*

5
 6 Article 5. Rivers, Lakes, and Streams
 7

8 5883. ~~The sum of _____ dollars (\$ _____) from the fund shall be~~
 9 ~~available for the protection of rivers, lakes, streams, and their~~
 10 ~~watersheds. Funds allocated in this article shall be available for~~
 11 *the protection and restoration of rivers, lakes, streams and*
 12 *associated watersheds of the state to safeguard sources of safe*
 13 *drinking water, to protect the fish and wildlife resources of the*
 14 *state, and to provide access to these resources to the people of*
 15 *California.*

16 5883.5. *The sum of one hundred million dollars (\$100,000,000)*
 17 *from the fund shall be available to the Natural Resources Agency*
 18 *for the restoration, protection, expansion and development of river*
 19 *parkways in accordance with Chapter 3.8 (commencing with*
 20 *Section 5750).*

21 5883.6. *The sum of one hundred million dollars (\$100,000,000)*
 22 *from the fund shall be available to the California Tahoe*
 23 *Conservancy pursuant to Article 6 (commencing with Section*
 24 *5096.351) of Chapter 1.692 for the implementation of the Lake*
 25 *Tahoe Environmental Improvement Program.*

26 5883.7. *The sum of one hundred million dollars (\$100,000,000)*
 27 *from the fund shall be available for protection and restoration*
 28 *projects, and for the development of river parkway projects on the*
 29 *Los Angeles River and its tributaries, pursuant to Division 22.8*
 30 *(commencing with Section 32600) and Division 23 (commencing*
 31 *with Section 33000).*

32 5883.8. *The sum of fifty million dollars (\$50,000,000) from the*
 33 *fund shall be available for deposit into the Salton Sea Restoration*
 34 *Fund, pursuant to Section 2932 of the Fish and Game Code, and*
 35 *for expenditures consistent with the requirements of that fund.*

36 5883.9. *The sum of twenty million dollars (\$20,000,000) from*
 37 *the fund shall be available for urban stream restoration pursuant*
 38 *to Section 7048 of the Water Code.*

Article 6. Coast and Ocean Protection

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

5884. Funds allocated in this article shall be available for projects to protect and restore coastal watersheds, bays, marine estuaries, and nearshore ecosystems.

5884.1. The sum of three hundred million dollars (\$300,000,000) from the fund shall be available to the State Coastal Conservancy for the protection of beaches, bays, and coastal watershed resources including the protection of coastal agricultural resources pursuant to Section 31150 and projects to complete the California Coastal Trail pursuant to Section 31408.

5884.2. The sum of fifty million dollars (\$50,000,000) from the fund shall be available to the Santa Monica Mountains Conservancy for the protection of coastal watersheds of the Santa Monica Mountains.

Article 7. Climate Resilience

5885. Funds allocated in this article shall be available for projects that improve the climate resilience of urban areas and natural resources, provide for climate adaptation and reduce vulnerability to climate impacts of the state’s water, forest, and agricultural resources, and improve the ability of natural systems to buffer the impacts of climate change.

~~5885.~~

~~5885.1. The sum of _____ dollars (\$ _____) one hundred million dollars (\$100,000,000) from the fund shall be available to the Strategic Growth Council for grants to improve the climate resilience of urban areas and natural resources including, but not limited to, projects that do the following: develop or implement a regional or local greenprint or climate adaptation plan, or update or develop a climate adaptation element for a general plan, and for the protection of agricultural and open-space resources that support adopted sustainable communities strategies.~~

~~(a) Develop or implement a regional or local greenprint.~~

~~(b) Expand or protect urban forests, and provide urban greening to reduce urban heat island effect and mitigate climate change impacts in populated areas.~~

1 ~~(e) Improve forest conditions to reduce wildfires, increase~~
 2 ~~carbon sequestration, and improve forest health.~~

3 ~~(d) Use natural systems to improve resilience to climate change~~
 4 ~~including protection and restoration of watersheds and coastal~~
 5 ~~wetlands.~~

6 5885.2. *The sum of one hundred fifty million dollars*
 7 *(\$150,000,000) from the fund shall be available to the Wildlife*
 8 *Conservation Board for grants for the protection and expansion*
 9 *of wildlife corridors including projects to improve connectivity*
 10 *between habitat areas, for projects to improve climate adaptation*
 11 *and resilience of natural systems, and for projects to protect and*
 12 *improve existing open space corridors and trail linkages related*
 13 *to utility or transportation infrastructure that provide habitat*
 14 *connectivity and public access or trails.*

15 5885.3. *The sum of thirty million dollars (\$30,000,000) from*
 16 *the fund shall be available to the Department of Forestry and Fire*
 17 *Protection for grants pursuant to Chapter 2 (commencing with*
 18 *Section 4799.06) of Part 2.5 of Division 4. These grants shall*
 19 *complement existing urban forestry expenditures by covering areas*
 20 *not included for funding from the Greenhouse Gas Reduction Fund,*
 21 *established pursuant to Section 16428.8 of the Government Code.*

22
 23 Article 8. Fiscal Provisions
 24

25 5889. (a) Bonds in the total amount of ~~_____~~ dollars (~~\$_____~~)
 26 *two billion four hundred and fifty million dollars (\$2,450,000,000),*
 27 *or so much thereof as is necessary, not including the amount of*
 28 *any refunding bonds issued in accordance with Section 5895 may*
 29 *be issued and sold to provide a fund to be used for carrying out*
 30 *the purposes expressed in this chapter and to reimburse the General*
 31 *Obligation Bond Expense Revolving Fund pursuant to Section*
 32 *16724.5 of the Government Code. The bonds, when sold, shall be*
 33 *and constitute a valid and binding obligation of the State of*
 34 *California, and the full faith and credit of the State of California*
 35 *is hereby pledged for the punctual payment of both principal of,*
 36 *and interest on, the bonds as the principal and interest become due*
 37 *and payable.*

38 (b) The Treasurer shall sell the bonds authorized by the
 39 committee pursuant to this section. The bonds shall be sold upon
 40 the terms and conditions specified in a resolution to be adopted

1 by the committee pursuant to Section 16731 of the Government
2 Code.

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

11 5890. (a) Solely for the purpose of authorizing the issuance
12 and sale pursuant to the State General Obligation Bond Law
13 (Chapter 4 (commencing with Section 16720) of Part 3 of Division
14 4 of Title 2 of the Government Code) of the bonds authorized by
15 this chapter, the Safe Neighborhood Parks, Rivers, and Coastal
16 Protection Finance Committee is hereby created. For purposes of
17 this chapter, the Safe Neighborhood Parks, Rivers, and Coastal
18 Protection Finance Committee is “the committee” as that term is
19 used in the State General Obligation Bond Law.

20 (b) The committee consists of the _____, _____, _____, _____, and
21 _____. Notwithstanding any other provision of law, any member
22 may designate a representative to act as that member in his or her
23 place for all purposes, as though the member were personally
24 present.

25 (c) The _____ shall serve as chairperson of the committee.

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

27 5890.5. The committee shall determine whether or not it is
28 necessary or desirable to issue bonds authorized pursuant to this
29 chapter in order to carry out the actions specified in this chapter
30 and, if so, the amount of bonds to be issued and sold. Successive
31 issues of bonds may be authorized and sold to carry out those
32 actions progressively, and it is not necessary that all of the bonds
33 authorized to be issued be sold at any one time.

34 5891. For purposes of the State General Obligation Bond Law,
35 “board,” as defined in Section 16722 of the Government Code,
36 means the _____.

37 5891.5. There shall be collected each year and in the same
38 manner and at the same time as other state revenue is collected,
39 in addition to the ordinary revenues of the state, a sum in an amount
40 required to pay the principal of, and interest on, the bonds each

1 year. It is the duty of all officers charged by law with any duty in
2 regard to the collection of the revenue to do and perform each and
3 every act that is necessary to collect that additional sum.

4 5892. Notwithstanding Section 13340 of the Government Code,
5 there is hereby appropriated from the General Fund in the State
6 Treasury, for the purposes of this chapter, an amount that will
7 equal the total of the following:

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

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

13 5892.5. The board may request the Pooled Money Investment
14 Board to make a loan from the Pooled Money Investment Account
15 in accordance with Section 16312 of the Government Code for the
16 purpose of carrying out this chapter less any amount withdrawn
17 pursuant to Section 5893.5. The amount of the request shall not
18 exceed the amount of the unsold bonds that the committee has, by
19 resolution, authorized to be sold for the purpose of carrying out
20 this chapter. The board shall execute those documents required by
21 the Pooled Money Investment Board to obtain and repay the loan.
22 Any amounts loaned shall be deposited in the fund to be allocated
23 in accordance with this chapter.

24 5893. Notwithstanding any other provision of this chapter, or
25 of the State General Obligation Bond Law, if the Treasurer sells
26 bonds that include a bond counsel opinion to the effect that the
27 interest on the bonds is excluded from gross income for federal
28 tax purposes under designated conditions or is otherwise entitled
29 to any federal tax advantage, the Treasurer may maintain separate
30 accounts for the bond proceeds invested and for the investment
31 earnings on those proceeds, and may use or direct the use of those
32 proceeds or earnings to pay any rebate, penalty, or other payment
33 required under federal law or take any other action with respect
34 to the investment and use of those bond proceeds, as may be
35 required or desirable under federal law in order to maintain the
36 tax-exempt status of those bonds and to obtain any other advantage
37 under federal law on behalf of the funds of this state.

38 5893.5. For the purposes of carrying out this chapter, the
39 Director of Finance may authorize the withdrawal from the General
40 Fund of an amount or amounts not to exceed the amount of the

1 unsold bonds that have been authorized by the committee to be
2 sold for the purpose of carrying out this chapter less any amount
3 borrowed pursuant to Section 5892.5. Any amounts withdrawn
4 shall be deposited in the fund. Any money made available under
5 this section shall be returned to the General Fund, with interest at
6 the rate earned by the money in the Pooled Money Investment
7 Account, from proceeds received from the sale of bonds for the
8 purpose of carrying out this chapter.

9 5894. All money deposited in the fund that is derived from
10 premium and accrued interest on bonds sold pursuant to this chapter
11 shall be reserved in the fund and shall be available for transfer to
12 the General Fund as a credit to expenditures for bond interest,
13 except that amounts derived from premium may be reserved and
14 used to pay the cost of bond issuance prior to any transfer to the
15 General Fund.

16 5894.5. Pursuant to Chapter 4 (commencing with Section
17 16720) of Part 3 of Division 4 of Title 2 of the Government Code,
18 the cost of bond issuance shall be paid out of the bond proceeds,
19 including premium, if any. To the extent the cost of bond issuance
20 is not paid from premiums received from the sale of bonds, these
21 costs shall be shared proportionately by each program funded
22 through this chapter by the applicable bond sale.

23 5895. The bonds issued and sold pursuant to this chapter may
24 be refunded in accordance with Article 6 (commencing with
25 Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of
26 the Government Code, which is a part of the State General
27 Obligation Bond Law. Approval by the voters of the state for the
28 issuance of the bonds under this chapter shall include approval of
29 the issuance of any bonds issued to refund any bonds originally
30 issued under this chapter or any previously issued refunding bonds.

31 5895.5. The proceeds from the sale of bonds authorized by this
32 chapter are not “proceeds of taxes” as that term is used in Article
33 XIII B of the California Constitution, and the disbursement of
34 these proceeds is not subject to the limitations imposed by that
35 article.

36 SEC. 3. Section 2 of this act shall take effect upon the approval
37 by the voters of the Safe Neighborhood Parks, Rivers, and Coastal
38 Protection Bond Act of 2016, as set forth in that section, which
39 shall be submitted to the voters at the November 8, 2016, statewide
40 general election.

- 1 _____
- 2 **CORRECTIONS:**
- 3 **Text—Pages 3, 6, and 7.**
- 4 _____

O