

AMENDED IN SENATE APRIL 23, 2015

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, *and declaring the urgency thereof, to take effect immediately.*

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 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.

This bill would declare that it is to take effect immediately as an urgency statute.

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

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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 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
20 (\$350,000,000) for coast and ocean protection in accordance with
21 Article 6 (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) Restoration projects shall include the planning, monitoring,
4 and reporting necessary to ensure successful implementation of
5 the project objectives.

6
7 Article 4. Parks
8

9 5882. The sum of eight hundred million dollars (\$800,000,000)
10 from the fund shall be available to the department for the creation
11 and expansion of safe neighborhood parks in park-poor
12 neighborhoods in accordance with Chapter 3.3 (commencing with
13 Section 5640).

14 5882.5. The sum of two hundred million dollars (\$200,000,000)
15 from the fund shall be available to the department for grants for
16 local park rehabilitation and improvement to local governments
17 on a per capita basis.

18 5882.6. The sum of two hundred million dollars (\$200,000,000)
19 from the fund shall be available to the department for grants for
20 the restoration, preservation and protection of regional parks and
21 parklands, including state parks whose operation and management
22 have been taken over by local or regional agencies, and other parks
23 operated through cooperative agreements or pursuant to joint power
24 authorities that include state and local agencies.

25 5882.7. The sum of two hundred million dollars (\$200,000,000)
26 from the fund shall be available to the department for restoration
27 and preservation of existing state park facilities and units to
28 preserve and increase public access and to protect natural resources.

29 5882.8. The sum of fifty million dollars (\$50,000,000) from
30 the fund shall be available to the department for enterprise activities
31 that increase revenue generation to support operations of the
32 department.

33
34 Article 5. Rivers, Lakes, and Streams
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36 5883. Funds allocated in this article shall be available for the
37 protection and restoration of rivers, lakes, streams and associated
38 watersheds of the state to safeguard sources of safe drinking water,
39 to protect the fish and wildlife resources of the state, and to provide
40 access to these resources to the people of California.

1 5883.5. The sum of one hundred million dollars (\$100,000,000)
2 from the fund shall be available to the Natural Resources Agency
3 for the restoration, protection, expansion and development of river
4 parkways in accordance with Chapter 3.8 (commencing with
5 Section 5750).

6 5883.6. The sum of one hundred million dollars (\$100,000,000)
7 from the fund shall be available to the California Tahoe
8 Conservancy pursuant to Article 6 (commencing with Section
9 5096.351) of Chapter 1.692 for the implementation of the Lake
10 Tahoe Environmental Improvement Program.

11 5883.7. The sum of one hundred million dollars (\$100,000,000)
12 from the fund shall be available for protection and restoration
13 projects, and for the development of river parkway projects on the
14 Los Angeles River and its tributaries, pursuant to Division 22.8
15 (commencing with Section 32600) and Division 23 (commencing
16 with Section 33000).

17 5883.8. The sum of fifty million dollars (\$50,000,000) from
18 the fund shall be available for deposit into the Salton Sea
19 Restoration Fund, pursuant to Section 2932 of the Fish and Game
20 Code, and for expenditures consistent with the requirements of
21 that fund.

22 5883.9. The sum of twenty million dollars (\$20,000,000) from
23 the fund shall be available for urban stream restoration pursuant
24 to Section 7048 of the Water Code.

25

26 Article 6. Coast and Ocean Protection

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28 5884. Funds allocated in this article shall be available for
29 projects to protect and restore coastal watersheds, bays, marine
30 estuaries, and nearshore ecosystems.

31 5884.1. The sum of three hundred million dollars
32 (\$300,000,000) from the fund shall be available to the State Coastal
33 Conservancy for the protection of beaches, bays, and coastal
34 watershed resources including the protection of coastal agricultural
35 resources pursuant to Section 31150 and projects to complete the
36 California Coastal Trail pursuant to Section 31408.

37 5884.2. The sum of fifty million dollars (\$50,000,000) from
38 the fund shall be available to the Santa Monica Mountains
39 Conservancy for the protection of coastal watersheds of the Santa
40 Monica Mountains.

1 Article 7. Climate Resilience

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3 5885. Funds allocated in this article shall be available for
4 projects that improve the climate resilience of urban areas and
5 natural resources, provide for climate adaptation and reduce
6 vulnerability to climate impacts of the state’s water, forest, and
7 agricultural resources, and improve the ability of natural systems
8 to buffer the impacts of climate change.

9 5885.1. The sum of one hundred million dollars (\$100,000,000)
10 from the fund shall be available to the Strategic Growth Council
11 for grants to develop or implement a regional or local greenprint
12 or climate adaptation plan, or update or develop a climate
13 adaptation element for a general plan, and for the protection of
14 agricultural and open-space resources that support adopted
15 sustainable communities strategies.

16 5885.2. The sum of one hundred fifty million dollars
17 (\$150,000,000) from the fund shall be available to the Wildlife
18 Conservation Board for grants for the protection and expansion of
19 wildlife corridors including projects to improve connectivity
20 between habitat areas, for projects to improve climate adaptation
21 and resilience of natural systems, and for projects to protect and
22 improve existing open space corridors and trail linkages related
23 to utility or transportation infrastructure that provide habitat
24 connectivity and public access or trails.

25 5885.3. The sum of thirty million dollars (\$30,000,000) from
26 the fund shall be available to the Department of Forestry and Fire
27 Protection for grants pursuant to Chapter 2 (commencing with
28 Section 4799.06) of Part 2.5 of Division 4. These grants shall
29 complement existing urban forestry expenditures by covering areas
30 not included for funding from the Greenhouse Gas Reduction
31 Fund, established pursuant to Section 16428.8 of the Government
32 Code.

33
34 Article 8. Fiscal Provisions

35
36 5889. (a) Bonds in the total amount of two billion four hundred
37 and fifty million dollars (\$2,450,000,000), or so much thereof as
38 is necessary, not including the amount of any refunding bonds
39 issued in accordance with Section 5895 may be issued and sold to
40 provide a fund to be used for carrying out the purposes expressed

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

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

13 5889.5. The bonds authorized by this chapter shall be prepared,
 14 executed, issued, sold, paid, and redeemed as provided in the State
 15 General Obligation Bond Law (Chapter 4 (commencing with
 16 Section 16720) of Part 3 of Division 4 of Title 2 of the Government
 17 Code), and all of the provisions of that law apply to the bonds and
 18 to this chapter and are hereby incorporated in this chapter as though
 19 set forth in full in this chapter, except subdivisions (a) and (b) of
 20 Section 16727 of the Government Code.

21 5890. (a) Solely for the purpose of authorizing the issuance
 22 and sale pursuant to the State General Obligation Bond Law
 23 (Chapter 4 (commencing with Section 16720) of Part 3 of Division
 24 4 of Title 2 of the Government Code) of the bonds authorized by
 25 this chapter, the Safe Neighborhood Parks, Rivers, and Coastal
 26 Protection Finance Committee is hereby created. For purposes of
 27 this chapter, the Safe Neighborhood Parks, Rivers, and Coastal
 28 Protection Finance Committee is “the committee” as that term is
 29 used in the State General Obligation Bond Law.

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

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

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

37 5890.5. The committee shall determine whether or not it is
 38 necessary or desirable to issue bonds authorized pursuant to this
 39 chapter in order to carry out the actions specified in this chapter
 40 and, if so, the amount of bonds to be issued and sold. Successive

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

4 5891. For purposes of the State General Obligation Bond Law,
5 “board,” as defined in Section 16722 of the Government Code,
6 means the ____.

7 5891.5. There shall be collected each year and in the same
8 manner and at the same time as other state revenue is collected,
9 in addition to the ordinary revenues of the state, a sum in an amount
10 required to pay the principal of, and interest on, the bonds each
11 year. It is the duty of all officers charged by law with any duty in
12 regard to the collection of the revenue to do and perform each and
13 every act that is necessary to collect that additional sum.

14 5892. Notwithstanding Section 13340 of the Government Code,
15 there is hereby appropriated from the General Fund in the State
16 Treasury, for the purposes of this chapter, an amount that will
17 equal the total of the following:

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

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

23 5892.5. The board may request the Pooled Money Investment
24 Board to make a loan from the Pooled Money Investment Account
25 in accordance with Section 16312 of the Government Code for the
26 purpose of carrying out this chapter less any amount withdrawn
27 pursuant to Section 5893.5. The amount of the request shall not
28 exceed the amount of the unsold bonds that the committee has, by
29 resolution, authorized to be sold for the purpose of carrying out
30 this chapter. The board shall execute those documents required by
31 the Pooled Money Investment Board to obtain and repay the loan.
32 Any amounts loaned shall be deposited in the fund to be allocated
33 in accordance with this chapter.

34 5893. Notwithstanding any other provision of this chapter, or
35 of the State General Obligation Bond Law, if the Treasurer sells
36 bonds that include a bond counsel opinion to the effect that the
37 interest on the bonds is excluded from gross income for federal
38 tax purposes under designated conditions or is otherwise entitled
39 to any federal tax advantage, the Treasurer may maintain separate
40 accounts for the bond proceeds invested and for the investment

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

8 5893.5. For the purposes of carrying out this chapter, the
9 Director of Finance may authorize the withdrawal from the General
10 Fund of an amount or amounts not to exceed the amount of the
11 unsold bonds that have been authorized by the committee to be
12 sold for the purpose of carrying out this chapter less any amount
13 borrowed pursuant to Section 5892.5. Any amounts withdrawn
14 shall be deposited in the fund. Any money made available under
15 this section shall be returned to the General Fund, with interest at
16 the rate earned by the money in the Pooled Money Investment
17 Account, from proceeds received from the sale of bonds for the
18 purpose of carrying out this chapter.

19 5894. All money deposited in the fund that is derived from
20 premium and accrued interest on bonds sold pursuant to this chapter
21 shall be reserved in the fund and shall be available for transfer to
22 the General Fund as a credit to expenditures for bond interest,
23 except that amounts derived from premium may be reserved and
24 used to pay the cost of bond issuance prior to any transfer to the
25 General Fund.

26 5894.5. Pursuant to Chapter 4 (commencing with Section
27 16720) of Part 3 of Division 4 of Title 2 of the Government Code,
28 the cost of bond issuance shall be paid out of the bond proceeds,
29 including premium, if any. To the extent the cost of bond issuance
30 is not paid from premiums received from the sale of bonds, these
31 costs shall be shared proportionately by each program funded
32 through this chapter by the applicable bond sale.

33 5895. The bonds issued and sold pursuant to this chapter may
34 be refunded in accordance with Article 6 (commencing with
35 Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of
36 the Government Code, which is a part of the State General
37 Obligation Bond Law. Approval by the voters of the state for the
38 issuance of the bonds under this chapter shall include approval of
39 the issuance of any bonds issued to refund any bonds originally
40 issued under this chapter or any previously issued refunding bonds.

1 5895.5. The proceeds from the sale of bonds authorized by this
2 chapter are not “proceeds of taxes” as that term is used in Article
3 XIII B of the California Constitution, and the disbursement of
4 these proceeds is not subject to the limitations imposed by that
5 article.

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

11 *SEC. 4. This act is an urgency statute necessary for the*
12 *immediate preservation of the public peace, health, or safety within*
13 *the meaning of Article IV of the Constitution and shall go into*
14 *immediate effect. The facts constituting the necessity are:*

15 *In order to ensure that the Safe Neighborhood Parks, Rivers,*
16 *and Coastal Protection Bond Act of 2016 appears on the November*
17 *8, 2016 statewide general election ballot, it is necessary that this*
18 *act take effect immediately.*