

AMENDED IN SENATE MAY 5, 2015
AMENDED IN SENATE APRIL 23, 2015
AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 317

Introduced by Senator De León
(Principal coauthor: Senator Pavley)
(Coauthors: Senators Allen, Hertzberg, Hill, Hueso, Jackson,
Monning, and Wieckowski)

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: 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

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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.

Article 2. Definitions

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

- (a) “Acquisition” means the acquisition of a fee interest or any other interest in real property including easements, leases, and development rights.
- (b) “Board” means the Wildlife Conservation Board.
- (c) “Department” means the Department of Parks and Recreation.
- (d) “Development” includes, but is not limited to, the physical improvement of real property, including the construction of facilities or structures.
- (e) “Disadvantaged community” means a community with a median household income less than 80 percent of the statewide average.
- (f) “Greenprint” means a plan for providing parks, greenspace, and urban forestry within an urbanized area to enhance climate resilience, improve public health and living conditions, ~~and~~ *or* protect open-space lands around a developed area to support an adopted sustainable communities strategy.
- (g) “Interpretation” includes, but is not limited to, a visitor serving amenity that enhances the ability to understand and appreciate the significance and value of natural, historical, and cultural resources and that may utilize educational materials in multiple languages, digital information, and the expertise of a naturalist or other specialist skilled at educational interpretation.
- (h) “Nonprofit organization” means an organization qualified to do business in California and qualified under Section 501(c)(3) of the Internal Revenue Code.
- (i) “Preservation” means rehabilitation, stabilization, restoration, development, and reconstruction, or any combination of those activities.
- (j) “Protection” means those actions necessary to prevent harm or damage to persons, property, or ~~natural resources~~ *natural, cultural, and historic resources, actions to improve access to public open-space areas, or actions to allow the continued use and enjoyment of property or* ~~natural~~ *natural, cultural, and historic resources, and includes acquisition, development, restoration, preservation, and interpretation.*

1 (k) “Restoration” means the improvement of physical structures
2 or facilities and, in the case of natural systems and landscape
3 features, includes, but is not limited to, projects for the control of
4 erosion, the control and elimination of exotic species, *removal of*
5 *waste and debris*, prescribed burning, fuel hazard reduction,
6 fencing out threats to existing or restored natural resources, road
7 elimination, and other plant and wildlife habitat improvements to
8 increase the natural system value of the property.

9

10 Article 3. General Provisions

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12 5881. The proceeds of bonds issued and sold pursuant to this
13 chapter shall be deposited in the Safe Neighborhood Parks, Rivers,
14 and Coastal Protection Fund of 2016, which is hereby created in
15 the State Treasury. Except as specifically provided in this chapter,
16 moneys in the fund shall be available for appropriation by the
17 Legislature in the manner and for the purposes set forth in this
18 chapter in accordance with the following schedule:

19 (a) The sum of one billion four hundred fifty million dollars
20 (\$1,450,000,000) for parks in accordance with Article 4
21 (commencing with Section 5882).

22 (b) The sum of three hundred seventy million dollars
23 (\$370,000,000) for rivers, lakes, and streams in accordance with
24 Article 5 (commencing with Section 5883).

25 (c) The sum of three hundred fifty million dollars
26 (\$350,000,000) for coast and ocean protection in accordance with
27 Article 6 (commencing with Section 5884).

28 (d) The sum of two hundred eighty million dollars
29 (\$280,000,000) for climate resilience in accordance with Article
30 7 (commencing with Section 5885).

31 5881.5. (a) Projects funded with proceeds of bonds issued and
32 sold pursuant to this chapter shall promote state planning priorities
33 consistent with Section 65041.1 of the Government Code and
34 sustainable communities strategies consistent with subparagraph
35 (B) of paragraph (2) of subdivision (b) of Section 65080 of the
36 Government Code.

37 (b) To the extent feasible in implementing this chapter, state
38 agencies shall seek to achieve wildlife conservation objectives
39 through projects on public lands or voluntary projects on private
40 lands. Funds may be used, in consultation with the Department of

1 Fish and Wildlife, for payments for the creation of measurable
2 habitat improvements or other improvements to the condition of
3 endangered or threatened species including through the
4 development and implementation of habitat credit exchanges.

5 (c) In evaluating projects for protection of natural resources and
6 wildlife, priority shall be given to projects that implement adopted
7 natural community conservation plans or endangered species
8 recovery plans.

9 (d) Restoration projects shall include the planning, monitoring,
10 and reporting necessary to ensure successful implementation of
11 the project objectives.

12 5881.6. *An amount that equals not more than 5 percent of the*
13 *funds allocated for a grant program pursuant to this chapter may*
14 *be used to pay the administrative costs of that program.*

15 5881.7. *Unless otherwise specified, up to 10 percent of funds*
16 *allocated for each program funded by this chapter may be*
17 *expended for planning and monitoring necessary for the successful*
18 *design, selection, and implementation of the projects authorized*
19 *under that program. This section shall not otherwise restrict funds*
20 *ordinarily used by an agency for “preliminary plans,” “working*
21 *drawings,” and “construction” as defined in the annual Budget*
22 *Act for a capital outlay project or grant project.*

23

24 Article 4. Parks

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26 5882. The sum of eight hundred million dollars (\$800,000,000)
27 from the fund shall be available to the department for the creation
28 and expansion of safe neighborhood parks in park-poor
29 neighborhoods in accordance with Chapter 3.3 (commencing with
30 Section 5640).

31 5882.5. The sum of two hundred million dollars (\$200,000,000)
32 from the fund shall be available to the department for grants for
33 local park rehabilitation and improvement to local governments
34 on a per capita basis.

35 5882.6. The sum of two hundred million dollars (\$200,000,000)
36 from the fund shall be available to the department for grants for
37 the restoration, ~~preservation~~ *preservation*, and protection of
38 regional parks and parklands, including state parks whose operation
39 and management have been taken over by local or regional
40 agencies, and other parks *and parklands operated by regional park*

1 *districts, counties, open-space districts, and open-space authorities,*
 2 *and parks and parklands operated through cooperative agreements*
 3 *or pursuant to joint power authorities that include state and local*
 4 *agencies.*

5 5882.7. The sum of two hundred million dollars (\$200,000,000)
 6 from the fund shall be available to the department for restoration
 7 and preservation of existing state park facilities and units to
 8 preserve and increase public access and to protect ~~natural~~ *natural,*
 9 *cultural, and historic* resources.

10 5882.8. The sum of fifty million dollars (\$50,000,000) from
 11 the fund shall be available to the department for enterprise activities
 12 that increase revenue generation to support operations of the
 13 department.

14

15 Article 5. Rivers, Lakes, and Streams

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17 5883. Funds allocated in this article shall be available for the
 18 protection and restoration of rivers, lakes, streams and associated
 19 watersheds of the state to safeguard sources of safe drinking water,
 20 to protect the fish and wildlife resources of the state, and to provide
 21 access to these resources to the people of California.

22 5883.5. The sum of one hundred million dollars (\$100,000,000)
 23 from the fund shall be available to the Natural Resources Agency
 24 for the restoration, protection, expansion and development of river
 25 parkways in accordance with Chapter 3.8 (commencing with
 26 Section 5750).

27 5883.6. The sum of one hundred million dollars (\$100,000,000)
 28 from the fund shall be available to the California Tahoe
 29 ~~Conservancy~~ *Conservancy, established pursuant to ~~Article 6~~*
 30 ~~(commencing with Section 5096.351) of Chapter 1.692 Title 7.42~~
 31 ~~(commencing with Section 66905) of the Government Code, for~~
 32 ~~the implementation~~ *implementation, and to further the goals and*
 33 *purposes, of the Lake Tahoe Environmental Improvement Program.*
 34 *Program, pursuant to Article 6 (commencing with Section*
 35 *5096.351) of Chapter 1.692.*

36 5883.7. The sum of one hundred million dollars (\$100,000,000)
 37 from the fund shall be available for protection and restoration
 38 projects, and for the development of river parkway projects on the
 39 Los Angeles River and its tributaries, pursuant to Division 22.8

1 (commencing with Section 32600) and Division 23 (commencing
2 with Section 33000).

3 5883.8. The sum of fifty million dollars (\$50,000,000) from
4 the fund shall be available for deposit into the Salton Sea
5 Restoration Fund, pursuant to Section 2932 of the Fish and Game
6 Code, and for expenditures consistent with the requirements of
7 that fund.

8 5883.9. The sum of twenty million dollars (\$20,000,000) from
9 the fund shall be available for urban stream restoration pursuant
10 to Section 7048 of the Water Code.

11
12 Article 6. Coast and Ocean Protection

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14 5884. Funds allocated in this article shall be available for
15 projects to protect and restore coastal watersheds, bays, marine
16 estuaries, and nearshore ecosystems.

17 5884.1. The sum of three hundred million dollars
18 (\$300,000,000) from the fund shall be available to the State Coastal
19 Conservancy for the protection of beaches, bays, and coastal
20 watershed resources including the protection of coastal agricultural
21 resources pursuant to Section 31150 and projects to complete the
22 California Coastal Trail pursuant to Section 31408.

23 5884.2. The sum of fifty million dollars (\$50,000,000) from
24 the fund shall be available to the Santa Monica Mountains
25 Conservancy for the protection of coastal watersheds of the Santa
26 Monica Mountains.

27
28 Article 7. Climate Resilience

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30 5885. Funds allocated in this article shall be available for
31 projects that improve the climate resilience of urban areas and
32 natural resources, provide for climate adaptation and reduce
33 vulnerability to climate impacts of the state’s water, forest, and
34 agricultural resources, and improve the ability of natural systems
35 to buffer the impacts of climate change.

36 5885.1. The sum of one hundred million dollars (\$100,000,000)
37 from the fund shall be available to the Strategic Growth Council
38 for grants to develop or implement a regional or local greenprint
39 or climate adaptation plan, or update ~~or develop~~ a climate
40 ~~adaptation element for a general plan, or add climate adaption to~~

1 *a general plan*, and for the protection of agricultural and
2 open-space resources that support adopted sustainable communities
3 strategies.

4 5885.2. The sum of one hundred fifty million dollars
5 (\$150,000,000) from the fund shall be available to the Wildlife
6 Conservation Board for grants for the protection and expansion of
7 wildlife corridors including projects to improve connectivity
8 between habitat areas, for projects to improve climate adaptation
9 and resilience of natural systems, and for projects to protect and
10 improve existing open space corridors and trail linkages related
11 to utility or transportation infrastructure that provide habitat
12 connectivity and public access or trails.

13 5885.3. The sum of thirty million dollars (\$30,000,000) from
14 the fund shall be available to the Department of Forestry and Fire
15 Protection for grants pursuant to Chapter 2 (commencing with
16 Section 4799.06) of Part 2.5 of Division 4. These grants shall
17 complement existing urban forestry expenditures by covering areas
18 not included for funding from the Greenhouse Gas Reduction
19 Fund, established pursuant to Section 16428.8 of the Government
20 Code.

21

22 Article 8. Fiscal Provisions

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24 5889. (a) Bonds in the total amount of two billion four hundred
25 and fifty million dollars (\$2,450,000,000), or so much thereof as
26 is necessary, not including the amount of any refunding bonds
27 issued in accordance with Section 5895 may be issued and sold to
28 provide a fund to be used for carrying out the purposes expressed
29 in this chapter and to reimburse the General Obligation Bond
30 Expense Revolving Fund pursuant to Section 16724.5 of the
31 Government Code. The bonds, when sold, shall be and constitute
32 a valid and binding obligation of the State of California, and the
33 full faith and credit of the State of California is hereby pledged
34 for the punctual payment of both principal of, and interest on, the
35 bonds as the principal and interest become due and payable.

36 (b) The Treasurer shall sell the bonds authorized by the
37 committee pursuant to this section. The bonds shall be sold upon
38 the terms and conditions specified in a resolution to be adopted
39 by the committee pursuant to Section 16731 of the Government
40 Code.

1 5889.5. The bonds authorized by this chapter shall be prepared,
2 executed, issued, sold, paid, and redeemed as provided in the State
3 General Obligation Bond Law (Chapter 4 (commencing with
4 Section 16720) of Part 3 of Division 4 of Title 2 of the Government
5 Code), and all of the provisions of that law apply to the bonds and
6 to this chapter and are hereby incorporated in this chapter as though
7 set forth in full in this chapter, except subdivisions (a) and (b) of
8 Section 16727 of the Government Code.

9 5890. (a) Solely for the purpose of authorizing the issuance
10 and sale pursuant to the State General Obligation Bond Law
11 (Chapter 4 (commencing with Section 16720) of Part 3 of Division
12 4 of Title 2 of the Government Code) of the bonds authorized by
13 this chapter, the Safe Neighborhood Parks, Rivers, and Coastal
14 Protection Finance Committee is hereby created. For purposes of
15 this chapter, the Safe Neighborhood Parks, Rivers, and Coastal
16 Protection Finance Committee is “the committee” as that term is
17 used in the State General Obligation Bond Law.

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

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

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

25 5890.5. The committee shall determine whether or not it is
26 necessary or desirable to issue bonds authorized pursuant to this
27 chapter in order to carry out the actions specified in this chapter
28 and, if so, the amount of bonds to be issued and sold. Successive
29 issues of bonds may be authorized and sold to carry out those
30 actions progressively, and it is not necessary that all of the bonds
31 authorized to be issued be sold at any one time.

32 5891. For purposes of the State General Obligation Bond Law,
33 “board,” as defined in Section 16722 of the Government Code,
34 means the _____.

35 5891.5. There shall be collected each year and in the same
36 manner and at the same time as other state revenue is collected,
37 in addition to the ordinary revenues of the state, a sum in an amount
38 required to pay the principal of, and interest on, the bonds each
39 year. It is the duty of all officers charged by law with any duty in

1 regard to the collection of the revenue to do and perform each and
2 every act that is necessary to collect that additional sum.

3 5892. Notwithstanding Section 13340 of the Government Code,
4 there is hereby appropriated from the General Fund in the State
5 Treasury, for the purposes of this chapter, an amount that will
6 equal the total of the following:

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

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

12 5892.5. The board may request the Pooled Money Investment
13 Board to make a loan from the Pooled Money Investment Account
14 in accordance with Section 16312 of the Government Code for the
15 purpose of carrying out this chapter less any amount withdrawn
16 pursuant to Section 5893.5. The amount of the request shall not
17 exceed the amount of the unsold bonds that the committee has, by
18 resolution, authorized to be sold for the purpose of carrying out
19 this chapter. The board shall execute those documents required by
20 the Pooled Money Investment Board to obtain and repay the loan.
21 Any amounts loaned shall be deposited in the fund to be allocated
22 in accordance with this chapter.

23 5893. Notwithstanding any other provision of this chapter, or
24 of the State General Obligation Bond Law, if the Treasurer sells
25 bonds that include a bond counsel opinion to the effect that the
26 interest on the bonds is excluded from gross income for federal
27 tax purposes under designated conditions or is otherwise entitled
28 to any federal tax advantage, the Treasurer may maintain separate
29 accounts for the bond proceeds invested and for the investment
30 earnings on those proceeds, and may use or direct the use of those
31 proceeds or earnings to pay any rebate, penalty, or other payment
32 required under federal law or take any other action with respect
33 to the investment and use of those bond proceeds, as may be
34 required or desirable under federal law in order to maintain the
35 tax-exempt status of those bonds and to obtain any other advantage
36 under federal law on behalf of the funds of this state.

37 5893.5. For the purposes of carrying out this chapter, the
38 Director of Finance may authorize the withdrawal from the General
39 Fund of an amount or amounts not to exceed the amount of the
40 unsold bonds that have been authorized by the committee to be

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

8 5894. All money deposited in the fund that is derived from
9 premium and accrued interest on bonds sold pursuant to this chapter
10 shall be reserved in the fund and shall be available for transfer to
11 the General Fund as a credit to expenditures for bond interest,
12 except that amounts derived from premium may be reserved and
13 used to pay the cost of bond issuance prior to any transfer to the
14 General Fund.

15 5894.5. Pursuant to Chapter 4 (commencing with Section
16 16720) of Part 3 of Division 4 of Title 2 of the Government Code,
17 the cost of bond issuance shall be paid out of the bond proceeds,
18 including premium, if any. To the extent the cost of bond issuance
19 is not paid from premiums received from the sale of bonds, these
20 costs shall be shared proportionately by each program funded
21 through this chapter by the applicable bond sale.

22 5895. The bonds issued and sold pursuant to this chapter may
23 be refunded in accordance with Article 6 (commencing with
24 Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of
25 the Government Code, which is a part of the State General
26 Obligation Bond Law. Approval by the voters of the state for the
27 issuance of the bonds under this chapter shall include approval of
28 the issuance of any bonds issued to refund any bonds originally
29 issued under this chapter or any previously issued refunding bonds.

30 5895.5. The proceeds from the sale of bonds authorized by this
31 chapter are not “proceeds of taxes” as that term is used in Article
32 XIII B of the California Constitution, and the disbursement of
33 these proceeds is not subject to the limitations imposed by that
34 article.

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

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

5 In order to ensure that the Safe Neighborhood Parks, Rivers, and
6 Coastal Protection Bond Act of 2016 appears on the November 8,
7 2016 statewide general election ballot, it is necessary that this act
8 take effect immediately.

O