

Introduced by Senator De León

February 19, 2014

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 1086, as introduced, De León. The Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2014.

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 2014, which, if adopted by the voters, 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) California's residents value state, local, and regional parks
- 3 and the natural lands of the state as they provide the following:

1 (1) Access to the serenity and inspiration of nature, outdoor
2 spaces, and places for play and exercise.

3 (2) Facilities for directed and self-directed recreation.

4 (3) Activities that facilitate social connections, human
5 development, the arts, and lifelong learning.

6 (4) Positive alternatives for youth that help lower crime and
7 delinquency.

8 (b) California’s parks and natural resources infrastructure have
9 social, health, environmental, recreational, and intrinsic value to
10 the citizens of the state and, importantly, outdoor recreation can
11 be a critical economic driver to the state.

12 (c) Continued investment in the state’s parks, natural resources,
13 and in greening urban areas will mitigate the effects of global
14 warming, thus reducing California’s carbon footprint.

15 (d) Demand for local parks has exceeded available funding by
16 a factor of eight to one.

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

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

24

25 CHAPTER 14. THE SAFE NEIGHBORHOOD PARKS, RIVERS, AND
26 COASTAL PROTECTION BOND ACT OF 2014

27

28 Article 1. Title

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30 5880. This chapter shall be known, and may be cited, as the
31 Safe Neighborhood Parks, Rivers, and Coastal Protection Bond
32 Act of 2014.

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34 Article 2. Definitions

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

38 (a) “Acquisition” means the acquisition of a fee interest or any
39 other interest in real property including easements, leases, and
40 development rights.

1 (b) “Board” means the Wildlife Conservation Board.

2 (c) “Department” means the Department of Parks and
3 Recreation.

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

7 (e) “Disadvantaged community” means a community with a
8 median household income less than 80 percent of the statewide
9 average.

10 (f) “Greenprint” means a plan for providing parks, greenspace,
11 and urban forestry within an urbanized area and for the protection
12 of agricultural and open-space lands around a developed area
13 consistent with a sustainable communities strategy or other land
14 use plan.

15 (g) “Interpretation” includes, but is not limited to, a visitor
16 serving amenity that educates and communicates the significance
17 and value of natural, historical, and cultural resources in a way
18 that increases the understanding and enjoyment of these resources
19 and that may utilize the expertise of a naturalist or other specialist
20 skilled at educational interpretation.

21 (h) “Local conservation corps” means a program operated by a
22 public agency or nonprofit organization that meets the requirements
23 of Section 14406.

24 (i) “Nonprofit organization” means any organization qualified
25 to do business in California, and qualified under Section 501(c)(3)
26 of the Internal Revenue Code.

27 (j) “Preservation” means rehabilitation, stabilization, restoration,
28 development, and reconstruction, or any combination of those
29 activities.

30 (k) “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 (l) “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 improvement to increase the natural system value
2 of the property.

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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 2014, 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.

13 5881.5. (a) Projects funded with proceeds of bonds issued and
14 sold pursuant to this chapter shall promote state planning priorities
15 consistent with Section 65041.1 of the Government Code and
16 sustainable communities strategies consistent with subparagraph
17 (B) of paragraph (2) of subdivision (b) of Section 65080 of the
18 Government Code.

19 (b) To the extent feasible in implementing this chapter, state
20 agencies shall seek to achieve wildlife conservation objectives
21 through projects on public lands or voluntary projects on private
22 lands. Funds may be used, in consultation with the Department of
23 Fish and Wildlife, for payments for the creation of measurable
24 habitat improvements or other improvements to the condition of
25 endangered or threatened species including through the
26 development and implementation of habitat credit exchanges.

27 (c) In evaluating projects for protection of natural resources and
28 wildlife, priority shall be given to projects that implement adopted
29 Natural Community Conservation Plans or endangered species
30 recovery plans.

31 (d) The Natural Resources Agency shall develop and adopt a
32 statewide resource protection plan to identify priorities for
33 expending funds provided in this act that reflects statewide and
34 regional resource protection, public access and availability to
35 underserved populations. Conservation plans developed and
36 adopted by departments and conservancies shall be consistent with
37 statewide priorities adopted by the Natural Resources Agency.

38 (e) Restoration projects shall include the planning, monitoring,
39 and reporting necessary to ensure successful implementation of
40 the project objectives.

Article 4. Parks

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5882. The sum of ____ dollars (\$____) from the fund shall be available to the department for the creation and expansion of safe neighborhood parks and for the preservation, protection, and restoration of regional and state parks in accordance with the following schedule:

(a) ____ dollars (\$____) shall be available for grants in accordance with Chapter 3.3 (commencing with Section 5640).

(b) ____ dollars (\$____) shall be available for grants for local park rehabilitation and improvement to local governments on a per capita basis.

(c) ____ dollars (\$____) shall be available for grants for the restoration, preservation, and protection of regional parks and parklands, including state parks whose operation and management have been taken over by local or regional agencies, and other parks operated through cooperative agreements or pursuant to joint power authorities that include state and local agencies.

(d) ____ dollars (\$____) shall be available for restoration and preservation of existing state park facilities and units to preserve public access and to protect natural resources.

Article 5. Rivers, Lakes, and Streams

5883. The sum of ____ dollars (\$____) from the fund shall be available for the protection of rivers, lakes, streams, and their watersheds in accordance with the following schedule:

(a) Not less than ____ dollars (\$____) shall be available to match federal and local funds for the protection and restoration of the Los Angeles River parkway.

(b) Up to ____ dollars (\$____) shall be available to the Natural Resources Agency for the River Parkway Program.

(c) Up to ____ dollars (\$____) shall be available to fund statewide priorities to protect water quality, fish and wildlife, and other resources.

(d) ____ dollars (\$____) shall be available to the Department of Conservation for the protection and restoration of watersheds.

(e) ____ dollars (\$____) shall be available to the Department of Water Resources for establishment or enhancement of flood corridors to provide multiple public benefits.

Article 6. Coast and Ocean Protection

5884. The sum of ____ dollars (\$____) from the fund shall be available for the protection of beaches, bays, coastal, and ocean resources in accordance with the following schedule:

(a) ____ dollars (\$____) shall be available to the State Coastal Conservancy pursuant to Division 21 (commencing with Section 31000).

(b) ____ dollars (\$____) shall be available to the Ocean Protection Council pursuant to Division 26.5 (commencing with Section 35500).

(c) ____ dollars (\$____) shall be available for matching local and federal funds for the restoration of wetlands in the San Francisco Bay.

Article 7. Forests and Working Lands

5885. The sum of ____ dollars (\$____) from the fund shall be available for the protection of forests, working lands, and wildlife in accordance with the following schedule:

(a) ____ dollars (\$____) shall be available to the Sierra Nevada Conservancy for projects pursuant to Division 23.3 (commencing with Section 33300).

(b) ____ dollars (\$____) shall be available to the board for protection of forests, rangelands, and for wildlife protection pursuant to Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code.

(c) ____ dollars (\$____) shall be available to the Department of Conservation for protection of working lands including for the purposes of the Farmland Conservancy Program.

Article 8. Regional Conservation Priorities

5886. ____ dollars (\$____) from the fund shall be available for protection, preservation, and restoration projects by state conservancies in accordance with their operating statutes to address regional conservation priorities throughout the state.

1 Article 9. Youth Employment in Conservation

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3 5887. ____ dollars (\$____) from the fund shall be available to
4 the California Conservation Corps, local conservation corps, and
5 for grants to other organizations that provide youth employment
6 opportunities in conservation for projects that protect and restore
7 natural resources, improve access to parks, and provide
8 employment and training opportunities to youth in disadvantaged
9 communities.

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11 Article 10. Urban Forestry and Sustainable Communities

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13 5888. ____ dollars (\$____) from the fund shall be available
14 for urban forestry, urban greening, and greenprint projects to
15 support sustainable communities strategies.

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17 Article 11. Fiscal Provisions

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19 5889. (a) Bonds in the total amount of ____ dollars (\$____),
20 or so much thereof as is necessary, not including the amount of
21 any refunding bonds issued in accordance with Section 5895 may
22 be issued and sold to provide a fund to be used for carrying out
23 the purposes expressed in this chapter and to reimburse the General
24 Obligation Bond Expense Revolving Fund pursuant to Section
25 16724.5 of the Government Code. The bonds, when sold, shall be
26 and constitute a valid and binding obligation of the State of
27 California, and the full faith and credit of the State of California
28 is hereby pledged for the punctual payment of both principal of,
29 and interest on, the bonds as the principal and interest become due
30 and payable.

31 (b) The Treasurer shall sell the bonds authorized by the
32 committee pursuant to this section. The bonds shall be sold upon
33 the terms and conditions specified in a resolution to be adopted
34 by the committee pursuant to Section 16731 of the Government
35 Code.

36 5889.5. The bonds authorized by this chapter shall be prepared,
37 executed, issued, sold, paid, and redeemed as provided in the State
38 General Obligation Bond Law (Chapter 4 (commencing with
39 Section 16720) of Part 3 of Division 4 of Title 2 of the Government
40 Code), and all of the provisions of that law apply to the bonds and

1 to this chapter and are hereby incorporated in this chapter as though
2 set forth in full in this chapter, except subdivisions (a) and (b) of
3 Section 16727 of the Government Code.

4 5890. (a) Solely for the purpose of authorizing the issuance
5 and sale pursuant to the State General Obligation Bond Law
6 (Chapter 4 (commencing with Section 16720) of Part 3 of Division
7 4 of Title 2 of the Government Code) of the bonds authorized by
8 this chapter, the Safe Neighborhood Parks, Rivers, and Coastal
9 Protection Finance Committee is hereby created. For purposes of
10 this chapter, the Safe Neighborhood Parks, Rivers, and Coastal
11 Protection Finance Committee is “the committee” as that term is
12 used in the State General Obligation Bond Law.

13 (b) The committee consists of the _____, _____, _____, _____, and
14 _____. Notwithstanding any other provision of law, any member
15 may designate a representative to act as that member in his or her
16 place for all purposes, as though the member were personally
17 present.

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

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

20 5890.5. The committee shall determine whether or not it is
21 necessary or desirable to issue bonds authorized pursuant to this
22 chapter in order to carry out the actions specified in this chapter
23 and, if so, the amount of bonds to be issued and sold. Successive
24 issues of bonds may be authorized and sold to carry out those
25 actions progressively, and it is not necessary that all of the bonds
26 authorized to be issued be sold at any one time.

27 5891. For purposes of the State General Obligation Bond Law,
28 “board,” as defined in Section 16722 of the Government Code,
29 means the _____.

30 5891.5. There shall be collected each year and in the same
31 manner and at the same time as other state revenue is collected,
32 in addition to the ordinary revenues of the state, a sum in an amount
33 required to pay the principal of, and interest on, the bonds each
34 year. It is the duty of all officers charged by law with any duty in
35 regard to the collection of the revenue to do and perform each and
36 every act that is necessary to collect that additional sum.

37 5892. Notwithstanding Section 13340 of the Government Code,
38 there is hereby appropriated from the General Fund in the State
39 Treasury, for the purposes of this chapter, an amount that will
40 equal the total of the following:

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

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

6 5892.5. The board may request the Pooled Money Investment
7 Board to make a loan from the Pooled Money Investment Account
8 in accordance with Section 16312 of the Government Code for the
9 purpose of carrying out this chapter less any amount withdrawn
10 pursuant to Section 5893.5. The amount of the request shall not
11 exceed the amount of the unsold bonds that the committee has, by
12 resolution, authorized to be sold for the purpose of carrying out
13 this chapter. The board shall execute those documents required by
14 the Pooled Money Investment Board to obtain and repay the loan.
15 Any amounts loaned shall be deposited in the fund to be allocated
16 in accordance with this chapter.

17 5893. Notwithstanding any other provision of this chapter, or
18 of the State General Obligation Bond Law, if the Treasurer sells
19 bonds that include a bond counsel opinion to the effect that the
20 interest on the bonds is excluded from gross income for federal
21 tax purposes under designated conditions or is otherwise entitled
22 to any federal tax advantage, the Treasurer may maintain separate
23 accounts for the bond proceeds invested and for the investment
24 earnings on those proceeds, and may use or direct the use of those
25 proceeds or earnings to pay any rebate, penalty, or other payment
26 required under federal law or take any other action with respect
27 to the investment and use of those bond proceeds, as may be
28 required or desirable under federal law in order to maintain the
29 tax-exempt status of those bonds and to obtain any other advantage
30 under federal law on behalf of the funds of this state.

31 5893.5. For the purposes of carrying out this chapter, the
32 Director of Finance may authorize the withdrawal from the General
33 Fund of an amount or amounts not to exceed the amount of the
34 unsold bonds that have been authorized by the committee to be
35 sold for the purpose of carrying out this chapter less any amount
36 borrowed pursuant to Section 5892.5. Any amounts withdrawn
37 shall be deposited in the fund. Any money made available under
38 this section shall be returned to the General Fund, with interest at
39 the rate earned by the money in the Pooled Money Investment

1 Account, from proceeds received from the sale of bonds for the
2 purpose of carrying out this chapter.

3 5894. All money deposited in the fund that is derived from
4 premium and accrued interest on bonds sold pursuant to this chapter
5 shall be reserved in the fund and shall be available for transfer to
6 the General Fund as a credit to expenditures for bond interest,
7 except that amounts derived from premium may be reserved and
8 used to pay the cost of bond issuance prior to any transfer to the
9 General Fund.

10 5894.5. Pursuant to Chapter 4 (commencing with Section
11 16720) of Part 3 of Division 4 of Title 2 of the Government Code,
12 the cost of bond issuance shall be paid out of the bond proceeds,
13 including premium, if any. To the extent the cost of bond issuance
14 is not paid from premiums received from the sale of bonds, these
15 costs shall be shared proportionately by each program funded
16 through this chapter by the applicable bond sale.

17 5895. The bonds issued and sold pursuant to this chapter may
18 be refunded in accordance with Article 6 (commencing with
19 Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of
20 the Government Code, which is a part of the State General
21 Obligation Bond Law. Approval by the voters of the state for the
22 issuance of the bonds under this chapter shall include approval of
23 the issuance of any bonds issued to refund any bonds originally
24 issued under this chapter or any previously issued refunding bonds.

25 5895.5. The proceeds from the sale of bonds authorized by this
26 chapter are not “proceeds of taxes” as that term is used in Article
27 XIII B of the California Constitution, and the disbursement of
28 these proceeds is not subject to the limitations imposed by that
29 article.

30 SEC. 3. Section 2 of this act shall take effect upon the approval
31 by the voters of the Safe Neighborhood Parks, Rivers, and Coastal
32 Protection Bond Act of 2014, as set forth in that section.