

AMENDED IN ASSEMBLY APRIL 13, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2444

Introduced by Assembly Member Eduardo Garcia

February 19, 2016

An act to add Chapter 14 (commencing with Section 5880) to Division 5 of the Public Resources Code, relating to a *parks*, water, climate, and coastal protection and outdoor access for all 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

AB 2444, as amended, Eduardo Garcia. California *Parks, Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2016*.

Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities.

This bill would enact the California *Parks, Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2016*, which, if approved by the voters, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance a *parks*, water, climate, and coastal protection and outdoor access for all program.

The bill would provide for the submission of these provisions to the voters at the November 8, 2016, statewide general election.

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

3

4 CHAPTER 14. CALIFORNIA PARKS, WATER, CLIMATE, AND
5 COASTAL PROTECTION AND OUTDOOR ACCESS FOR ALL ACT OF
6 2016

7

8 Article 1. General Provisions

9

10 5880. (a) The people of California find and declare all of the
11 following:

12 (1) From California’s beautiful rivers, streams, coastal
13 shorelines, and other waterways, to our federal, state, local, and
14 regional parks and outdoor settings, to our vast network of trails
15 connecting people with natural landscapes, Californians value the
16 rich diversity of outdoor experiences afforded to this state and its
17 citizens.

18 (2) There has not been a “true” park and outdoors bond approved
19 by the voters of this state since 2002.

20 (3) Demand for local parks has exceeded available funding by
21 a factor of 8 to 1, with particularly high demand in urban,
22 disadvantaged communities.

23 (4) Many Californians across the state lack access to safe parks,
24 trails, and recreation areas, which limits their ability to experience
25 the outdoors, improve their physical and emotional health, exercise,
26 and connect with their communities.

27 (5) Investments to create and improve parks and recreation
28 areas, and to create trail networks that provide access from
29 neighborhoods to parks and recreational opportunities, will help
30 ensure all Californians have access to safe places to exercise and
31 enjoy recreational activities.

32 (6) The California Center for Public Health Advocacy estimates
33 that inactivity and obesity cost California over forty billion dollars
34 (\$40,000,000,000) annually, through increased health care costs
35 and lost productivity due to obesity-related illnesses, and that even

1 modest increases in physical activity would result in significant
2 savings. Investments in infrastructure improvements such as biking
3 and walking trails and pathways, whether in urban or natural areas,
4 are cost-effective ways to promote physical activity.

5 (7) Continued investments in the state’s parks, trails, and natural
6 resources, and greening urban areas will mitigate the effects of
7 climate change, making cities more livable, and will protect
8 California’s natural resources for future generations.

9 (8) California’s outdoor recreation economy represents an
10 eighty-seven-billion-dollar (\$87,000,000,000) industry, providing
11 over 700,000 jobs and billions of dollars in local and state revenues.

12 (9) California’s state, local, and regional park system
13 infrastructure and national park system infrastructure is aging out
14 and a significant infusion of capital is required to protect this
15 investment.

16 (10) There has been a historic underinvestment in parks, trails,
17 and outdoor infrastructure in disadvantaged areas and many
18 communities throughout California.

19 (11) Tourism is a growing industry in California and remains
20 an economic driver for the more rural parts of the state.

21 (b) It is the intent of the people of California that all of the
22 following shall occur in the implementation of this chapter:

23 (1) The investment of public funds pursuant to this chapter will
24 result in public benefits that address the most critical statewide
25 needs and priorities for public funding.

26 (2) In the appropriation and expenditure of funding authorized
27 by this chapter, priority will be given to projects that leverage
28 private, federal, or local funding or produce the greatest public
29 benefit.

30 (3) The funding authorized by this chapter will support
31 implementation of the recommendations contained in the Parks
32 Forward Commission Plan released in February 2015.

33 (4) To the extent practicable, a project that receives moneys
34 pursuant to this chapter will include signage informing the public
35 that the project received funds from the California *Parks, Water,*
36 *Climate, and Coastal Protection and Outdoor Access For All Act*
37 *of 2016.*

38 (5) *To the extent practicable, when developing program*
39 *guidelines for urban recreation projects and habitat protection or*
40 *restoration projects, administering entities are encouraged to give*

1 *favorable consideration to projects that provide urban recreation*
2 *and protect or restore natural resources. Additionally, the entities*
3 *may pool funding for these projects.*

4 5880.01. The following definitions govern the construction of
5 this chapter:

6 (a) “Committee” means the California *Parks, Water, Climate,*
7 *Coastal Protection, and Outdoor Access For All Finance Committee*
8 *created by Section ~~5887.02~~: 5889.02.*

9 (b) “Department” means the Department of Parks and
10 Recreation.

11 (c) “Disadvantaged community” has the same meaning set forth
12 in subdivision (g) of Section 75005.

13 (d) “*District*” means any regional park district, regional park
14 and open-space district, or regional open-space district formed
15 pursuant to Article 3 (commencing with Section 5500) of Chapter
16 3, any recreation and park district formed pursuant to Chapter 4
17 (commencing with Section 5780), or an authority formed pursuant
18 to Division 26 (commencing with Section 35100). With respect to
19 any community or unincorporated region that is not included within
20 a district, and in which no city or county provides parks or
21 recreational areas or facilities, “district” also means any other
22 entity that is authorized by statute to operate and manage parks
23 or recreational areas or facilities, employs a full-time park and
24 recreation director, offers year-round park and recreation services
25 on land and facilities owned by the entity, and allocates a
26 substantial portion of its annual operating budget to parks or
27 recreation areas or facilities.

28 ~~(d)~~

29 (e) “Fund” means the California *Parks, Water, Climate, and*
30 *Coastal Protection and Outdoor Access For All Fund, created by*
31 *Section 5880.08.*

32 ~~(e)~~

33 (f) “Severely disadvantaged community” has the same meaning
34 set forth in subdivision (g) of Section 75005.

35 5880.02. An amount that equals not more than 5 percent of the
36 funds allocated for a grant program pursuant to this chapter may
37 be used to pay the administrative costs of that program.

38 5880.03. (a) Except as provided in subdivision (b), up to 10
39 percent of funds allocated for each program funded by this chapter
40 may be expended for planning and monitoring necessary for the

1 successful design, selection, and implementation of the projects
2 authorized under that program. This section shall not otherwise
3 restrict funds ordinarily used by an agency for “preliminary plans,”
4 “working drawings,” and “construction” as defined in the annual
5 Budget Act for a capital outlay project or grant project. *Planning*
6 *may include feasibility studies for environmental site cleanup that*
7 *would further the purpose of a project that is eligible for funding*
8 *under this chapter.*

9 (b) Funds used for planning projects that benefit disadvantaged
10 communities may exceed 10 percent of the funds allocated if the
11 state agency administering the moneys determines that there is a
12 need for the additional funding.

13 5880.04. (a) At least 10 percent of the funds available pursuant
14 to each article of this chapter shall be allocated for projects serving
15 severely disadvantaged communities.

16 (b) Except as provided in subdivision (c), up to 10 percent of
17 the funds available pursuant to each article of this chapter may be
18 allocated for technical assistance to disadvantaged communities.
19 The agency administering the moneys shall operate a
20 multidisciplinary technical assistance program for small
21 disadvantaged communities.

22 (c) Funds used for providing technical assistance to
23 disadvantaged communities may exceed 10 percent of the funds
24 allocated if the state agency administering the moneys determines
25 that there is a need for the additional funding.

26 5880.05. Before disbursing grants pursuant to this chapter,
27 each state agency that receives funding to administer a competitive
28 grant program under this chapter shall do the following:

29 (a) Develop and adopt project solicitation and evaluation
30 guidelines. The guidelines shall include monitoring and reporting
31 requirements and may include a limitation on the dollar amount
32 of grants to be awarded. If the state agency has previously
33 developed and adopted project solicitation and evaluation
34 guidelines that comply with the requirements of this subdivision,
35 it may use those guidelines.

36 (b) Conduct three public meetings to consider public comments
37 before finalizing the guidelines. The state agency shall publish the
38 draft solicitation and evaluation guidelines on its Internet Web site
39 at least 30 days before the public meetings. One meeting shall be
40 conducted at a location in northern California, one meeting shall

1 be conducted at a location in the central valley of California, and
2 one meeting shall be conducted at a location in southern California.

3 (c) Submit the guidelines to the Secretary of the Natural
4 Resources Agency. The Secretary of the Natural Resources Agency
5 shall verify that the guidelines are consistent with applicable
6 statutes and for all the purposes enumerated in this chapter. The
7 Secretary of the Natural Resources Agency shall post an electronic
8 form of the guidelines submitted by state agencies and the
9 subsequent verifications on the Natural Resources Agency's
10 Internet Web site.

11 (d) Upon adoption, transmit copies of the guidelines to the fiscal
12 committees and the appropriate policy committees of the
13 Legislature.

14 5880.06. (a) The Department of Finance shall provide for an
15 independent audit of expenditures pursuant to this chapter. The
16 Secretary of the Natural Resources Agency shall publish a list of
17 all program and project expenditures pursuant to this chapter not
18 less than annually, in written form, and shall post an electronic
19 form of the list on the agency's Internet Web site.

20 (b) If an audit, required by statute, of any entity that receives
21 funding authorized by this chapter is conducted pursuant to state
22 law and reveals any impropriety, the California State Auditor or
23 the Controller may conduct a full audit of any or all of the activities
24 of that entity.

25 (c) The state agency issuing any grant with funding authorized
26 by this chapter shall require adequate reporting of the expenditures
27 of the funding from the grant.

28 5880.07. A project whose application includes the use of
29 services of the California Conservation Corps or certified
30 community conservation corps, as defined in Section 14507.5,
31 ~~may~~ shall be given preference for receipt of a grant under this
32 chapter.

33 5880.075. *A project that includes water efficiencies, stormwater*
34 *capture, or carbon sequestration features in the project design*
35 *may be given priority for grant funding under this chapter.*

36 5880.08. The proceeds of bonds issued and sold pursuant to
37 this chapter shall be deposited in the California Parks, Water,
38 Climate, and Coastal Protection and Outdoor Access For All Fund,
39 which is hereby created in the State Treasury.

1 5880.09. The Legislature may enact legislation necessary to
2 implement programs funded by this chapter.

3
4 Article 2. Investments in Environmental and Social Equity,
5 Enhancing California’s Disadvantaged Communities
6

7 5881. (a) The sum of _____ dollars (\$_____) shall be available
8 to the department, upon appropriation by the Legislature, for the
9 creation and expansion of safe neighborhood parks in park-poor
10 neighborhoods in accordance with the Statewide Park Development
11 and Community Revitalization Act of 2008’s competitive grant
12 program described in Chapter 3.3 (commencing with Section 5640).

13 (b) When developing or revising criteria or guidelines for the
14 grant program, the department may consider the population
15 densities of an applicant in relation to countywide populations,
16 comparative income levels, and other poverty-related factors that
17 are relative to regionwide statistics.

18
19 Article 3. Investments in Protecting, Enhancing, and Accessing
20 California’s Local and Regional Outdoor Spaces
21

22 5882. (a) The sum of _____ dollars (\$_____) shall be available
23 to the department, upon appropriation by the Legislature, for local
24 park rehabilitation and improvement grants to local governments
25 on a per capita basis. Grant recipients shall be encouraged to utilize
26 awards to rehabilitate existing infrastructure and to address
27 deficiencies in neighborhoods lacking access to the outdoors.

28 (b) Unless the entity has been identified as a disadvantaged
29 community, an entity that receives an award pursuant to this section
30 shall be required to provide a match of 20 percent as a local share.

31 ~~(c) Grants available to cities and special districts other than~~
32 ~~regional park districts shall be in an amount not less than _____~~
33 ~~dollars (\$_____) per grant. Grants available to counties and~~
34 ~~regional park districts shall be in an amount not less than _____~~
35 ~~dollars (\$_____) per grant.~~

36 5882.02. (a) (1) *The department shall allocate 60 percent of*
37 *the funds available pursuant to subdivision (a) of Section 5882 to*
38 *cities and districts, other than a regional park district, regional*
39 *park and open-space district, or regional open-space district. Each*
40 *city’s and district’s allocation shall be in the same ratio as the*

1 city's or district's population is to the combined total of the state's
2 population that is included in incorporated areas and
3 unincorporated areas within the district, except that each city or
4 district shall be entitled to a minimum allocation of _____ dollars
5 (\$_____). If the boundary of a city overlaps the boundary of a
6 district, the population in the overlapping area shall be attributed
7 to each jurisdiction in proportion to the extent to which each
8 operates and manages parks and recreational areas and facilities
9 for that population. If the boundary of a city overlaps the boundary
10 of a district, and in the area of overlap the city does not operate
11 and manage parks and recreational areas and facilities, all grant
12 funds for that area shall be allocated to the district.

13 (2) On or before April 1, 2018, a city and a district that are
14 subject to paragraph (1), and whose boundaries overlap, shall
15 collaboratively develop and submit to the department a specific
16 plan for allocating the grant funds in accordance with the formula
17 specified in paragraph (1). If, by that date, the plan has not been
18 developed and submitted to the department, the director shall
19 determine the allocation of the grant funds between the affected
20 jurisdiction.

21 (b) (1) The department shall allocate 40 percent of the funds
22 available pursuant to subdivision (a) of Section 5882 to counties
23 and regional park districts, regional park and open-space districts,
24 and regional open-space districts formed pursuant to Article 3
25 (commencing with Section 5500) of Chapter 3.

26 (2) Each county's allocation under paragraph (1) shall be in
27 the same ratio that the county's population is to the total state
28 population, except that each county shall be entitled to a minimum
29 allocation of _____ dollars (\$_____).

30 (3) In any county that embraces all or part of the territory of a
31 regional park district, regional park and open-space district, or
32 regional open-space district, and whose board of directors is not
33 the county board of supervisors, the amount allocated to the county
34 shall be apportioned between that district and the county in
35 proportion to the population of the county that is included within
36 the territory of the district and the population of the county that
37 is outside the territory of the district.

38 (c) For the purpose of making the calculations required by this
39 section, population shall be determined by the department, in
40 cooperation with the Department of Finance, on the basis of the

1 *most recent verifiable census data and other verifiable population*
2 *data that the department may require to be furnished by the*
3 *applicant city, county, or district.*

4 *(d) The Legislature intends all recipients of funds pursuant to*
5 *subdivision (a) of Section 5882 to use those funds to supplement*
6 *local revenues in existence on the effective date of the act adding*
7 *this chapter. To receive an allocation pursuant to subdivision (a)*
8 *of Section 5882, the recipient shall not reduce the amount of*
9 *funding otherwise available to be spent on parks or other projects*
10 *eligible for funds under this chapter in its jurisdiction. A one-time*
11 *allocation of other funding that has been expended for parks or*
12 *other projects, but which is not available on an ongoing basis,*
13 *shall not be considered when calculating a recipient's annual*
14 *expenditures. For purposes of this subdivision, the Controller may*
15 *request fiscal data from recipients for the preceding three fiscal*
16 *years. Each recipient shall furnish the data to the Controller no*
17 *later than 120 days after receiving the request from the Controller.*

18 *5882.04. (a) The director of the department shall prepare and*
19 *adopt criteria and procedures for evaluating applications for*
20 *grants allocated pursuant to subdivision (a) of Section 5882. The*
21 *application shall be accompanied by certification that the project*
22 *is consistent with the park and recreation element of the applicable*
23 *city or county general plan or the district park recreation plan, as*
24 *the case may be.*

25 *(b) To utilize available grant funds as effectively as possible,*
26 *overlapping and adjoining jurisdictions and applicants with similar*
27 *objectives are encouraged to combine projects and submit a joint*
28 *application. A recipient may allocate all or a portion of its per*
29 *capita share for a regional or state project.*

30 *(c) The director of the department shall annually forward a*
31 *statement of the total amount to be appropriated each fiscal year*
32 *for projects approved for grants pursuant to this article to the*
33 *Director of Finance for inclusion in the annual Budget Act. A list*
34 *of eligible jurisdictions and the amount of grant funds to be*
35 *allocated to each jurisdiction shall also be made available by the*
36 *department.*

37 *(d) Funds appropriated pursuant to this article shall be*
38 *encumbered by the recipient within three years from the date the*
39 *appropriation is effective. Regardless of the date of encumbrance*
40 *of the granted funds, the recipient is expected to complete all*

1 *funded projects within eight years of the effective date of the*
2 *appropriation.*

3 ~~5882.02.~~

4 5882.06. The sum of _____ dollars (\$_____) shall be available
5 to the department, upon appropriation by the Legislature, for grants
6 to regional park districts, counties, open-space districts, open-space
7 authorities, and eligible nonprofit organizations on a competitive
8 grant basis to expand, rehabilitate, ~~and~~ *or restore parks and park*
9 *facilities, including trails, that facilitate new or enhanced use and*
10 *enhanced user experiences.*

11
12 Article 4. Restoring California’s Natural, Historic, and Cultural
13 Legacy
14

15 5883. (a) The sum of _____ dollars (\$_____) shall be available
16 to the department, upon appropriation by the Legislature, for
17 restoration and preservation of existing state park facilities and
18 units to preserve and increase public access to those facilities and
19 units and to protect the natural, cultural, and historic resources of
20 those facilities and units.

21 (b) Of the amount made available pursuant to this section, not
22 less than 80 percent shall be available for capital improvements
23 that address the department’s backlog of deferred maintenance.

24 (c) *The amount made available pursuant to subdivision (a), less*
25 *the amount made available for capital improvements pursuant to*
26 *subdivision (b), shall be allocated as follows:*

27 (1) *The sum of _____ dollars (\$_____) shall be available to the*
28 *department for enterprise projects that facilitate new or enhanced*
29 *park use and user experiences and increase revenue generation*
30 *to support operations of the department.*

31 (2) *The sum of _____ dollars (\$_____) shall be available to the*
32 *department for grants to local agencies that operate a unit of the*
33 *state park system.*

34
35 Article 5. Trails and Waterfront Greenway Investment
36

37 5884. (a) The sum of _____ dollars (\$_____) shall be available
38 to the Natural Resources Agency, upon appropriation by the
39 Legislature, for competitive grants to local agencies, state
40 conservancies, federally recognized Native American tribes,

1 nonfederally recognized California Native American tribes listed
 2 on the California Tribal Consultation List maintained by the Native
 3 American Heritage Commission, and nonprofit organizations to
 4 provide nonmotorized infrastructure development and
 5 enhancements that promote new or alternate access to *parks*,
 6 waterways, outdoor recreational pursuits, and forested or other
 7 natural environments to encourage health-related commuting and
 8 opportunities for Californians to reconnect with nature.

9 (b) Of the amount made available pursuant to this section, up
 10 to 25 percent may be made available to communities for innovative
 11 transportation programs that provide new and expanded outdoor
 12 experiences to disadvantaged youth.

13 (c) Alignment, development, and improvement of nonmotorized
 14 infrastructure and trails that lead to safer interconnectivity between
 15 parks, waterways, and natural areas ~~shall~~ *may* be encouraged.

16 (d) The Natural Resources Agency is encouraged, when
 17 designing guidelines, for grants awarded under this article, to utilize
 18 existing program guidelines including, if applicable, guidelines
 19 that have been established for the California Recreational Trails
 20 Act (Article 6 (commencing with Section 5070) of ~~Chapter 1~~), the
 21 ~~California River Parkways Act of 2004 (Chapter 3.8 (commencing~~
 22 ~~with Section 5750))~~; *Chapter 1*) and the Active Transportation
 23 Program (Chapter 8 (commencing with Section 2380) of Division
 24 3 of the Streets and Highway Code).

25

26 Article 6. Rural Recreation, Tourism, and Economic Enrichment
 27 Investment

28

29 5885. (a) The sum of _____ dollars (\$_____) shall be available
 30 to the department, upon appropriation by the Legislature, to
 31 administer a competitive grant program for cities, counties, and
 32 districts in nonurbanized areas, as defined in subdivision (e) of
 33 Section 5621, that are eligible for a grant under the
 34 Roberti-Z'berg-Harris Urban Open-Space and Recreation Program
 35 Act (Chapter 3.2 (commencing with Section 5620)). In awarding
 36 the grants, the department may consider the following factors:

37 ~~(1) Whether the project proposes to acquire and develop lands~~
 38 ~~to enhance residential recreation while promoting the quality of~~
 39 ~~tourism experiences and the economic vitality of the community.~~

1 ~~These enhancements may include trails, bikeways, regional or~~
2 ~~destination-oriented recreational amenities, and visitor centers.~~

3 ~~(2)~~

4 (1) Whether the project would provide new recreational
5 opportunities in rural communities that have demonstrated
6 deficiencies and lack of outdoor infrastructure in support of
7 economic and health-related goals.

8 (2) *Whether the project proposes to acquire and develop lands*
9 *to enhance residential recreation while promoting the quality of*
10 *tourism experiences and the economic vitality of the community.*
11 *These enhancements may include trails, bikeways, regional or*
12 *destination-oriented recreational amenities, and visitor centers.*

13 (3) *Whether the project includes collaboration between public*
14 *and nonprofit organizations, including, but not limited to, nonprofit*
15 *land trusts, to facilitate public access to privately-owned lands for*
16 *regional trail development for wildlife viewing, recreation, or*
17 *outdoor experiences for youth.*

18 (b) Unless the entity has been identified as a disadvantaged
19 community, an entity that receives an award under this article shall
20 be required to provide a match of 20 percent.

21

22 Article 7. California Clean Water, Coastal, and Watershed
23 Cobenefit Program
24

25 5886. (a) The sum of ~~one hundred~~ _____ dollars (\$_____)
26 shall be available to the Natural Resources Agency, upon
27 appropriation by the Legislature, for grants pursuant to the
28 California River Parkway Act of 2004 (Chapter 3.8 (commencing
29 with Section 5750)).

30 (b) Unless the entity has been identified as a disadvantaged
31 community, an entity that receives an award under this article shall
32 be required to provide a match of 20 percent.

33 (c) To maximize cooperation and leverage resources, the Natural
34 Resources Agency may give priority to projects that include
35 partnerships among federal, state, and local agencies and to projects
36 proposed by ~~nonprofit organizations within the local land trust~~
37 ~~communities.~~ *organizations, including, but not limited to, nonprofit*
38 *land trusts.*

39 (d) *Not less than __ percent of the amount made available*
40 *pursuant to this section shall be allocated for project grants to*

1 *protect and enhance an urban creek, as defined in subdivision (e)*
2 *of Section 7048 of the Water Code, and its tributaries, pursuant*
3 *to Division 22.8 (commencing with Section 32600), Division 23*
4 *(commencing with Section 33000), and Section 79508 of the Water*
5 *Code.*

6
7 Article 7.5. State Conservancy Funding

8
9 ~~5886.02.~~

10 5887. The sum of _____ dollars (\$_____) shall be available,
11 upon appropriation by the Legislature, in accordance with the
12 following schedule, to fulfill the purposes of the specified entity:

- 13 (a) Baldwin Hills Conservancy, _____ dollars (\$_____).
- 14 (b) California Tahoe Conservancy, _____ dollars (\$_____).
- 15 (c) Coachella Mountains Conservancy, _____ dollars (\$_____).
- 16 (d) Sacramento-San Joaquin Delta Conservancy, _____ dollars
- 17 (\$_____).
- 18 (e) Salton Sea Authority, _____ dollars (\$_____).
- 19 (f) San Diego River Conservancy, _____ dollars (\$_____).
- 20 (g) San Gabriel and Lower Los Angeles Rivers and Mountains
- 21 Conservancy, _____ dollars (\$_____).
- 22 (h) San Joaquin River Conservancy, _____ dollars (\$_____).
- 23 (i) Santa Monica Mountains Conservancy, _____ dollars
- 24 (\$_____).
- 25 (j) Sierra Nevada Conservancy, _____ dollars (\$_____).
- 26 (k) State Coastal Conservancy, _____ dollars (\$_____). Of this
- 27 amount, not less than 40 percent shall go toward the San Francisco
- 28 Bay Area Conservancy Program (Chapter 4.5 (commencing with
- 29 Section 31160) of Division 21).

30 ~~5886.04.~~

31 5887.02. The Legislature shall strive to consider population
32 size, land mass, and natural resource significance as factors when
33 determining the amount of any other funds to be given to an entity
34 described in Section ~~5886.02~~: 5887.

35
36 Article 8. Climate *Preparedness* and Habitat Resiliency

37
38 ~~5886.5.~~

39 5888. The sum of _____ dollars (\$_____) shall be available
40 *to plan, develop, and implement climate adaptation and resiliency*

1 projects that improve a community’s ability to adapt to the
2 unavoidable impacts of climate change. Projects shall improve
3 and protect coastal and rural economies, agricultural viability,
4 wildlife corridors, or habitat, develop future recreational
5 opportunities, or enhance drought tolerance and water retention,
6 in accordance with the following schedule:

7 (a) ___ dollars (\$___) shall be available to the Wildlife
8 Conservation Board for grants for the protection and expansion of
9 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~~ open-space corridors and trail linkages
13 related to utility or transportation infrastructure that provide habitat
14 connectivity and public access or trails.

15 (b) ___ dollars (\$___) shall be available for deposit into the
16 California Climate Resilience Account, established pursuant to
17 Section 31012, for projects that assist coastal communities,
18 especially those reliant on commercial fisheries, with adaptation
19 to climate change, including projects that address ocean
20 acidification, sea level rise, or the protection of habitat associated
21 with the Pacific Flyway.

22 (c) ___ dollars (\$___) shall be available for projects that
23 improve agricultural and open-space soil health, to improve carbon
24 soil sequestration, water quality, and water retention, or projects
25 that replace inefficient groundwater pumps.

26 (d) ___ dollars (\$___) shall be available for projects that
27 reduce fire risk, improve forest health, and provide feedstock for
28 compost, energy, or alternative fuels facilities.

29
30 Article 9. Fiscal Provisions

31
32 5887.

33 5889. (a) Bonds in the total amount of ___ dollars (\$___),
34 not including the amount of any refunding bonds issued in
35 accordance with Section ~~5887.12~~, 5889.12, may be issued and sold
36 to provide a fund to be used for carrying out the purposes expressed
37 in this chapter and to reimburse the General Obligation Bond
38 Expense Revolving Fund pursuant to Section 16724.5 of the
39 Government Code. The bonds, when sold, shall be and constitute
40 a valid and binding obligation of the State of California, and the

1 full faith and credit of the State of California is hereby pledged
2 for the punctual payment of both the principal of, and interest on,
3 the bonds as the principal and interest become due and payable.

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

9 ~~5887.01.~~

10 5889.01. The bonds authorized by this chapter shall be
11 prepared, executed, issued, sold, paid, and redeemed as provided
12 in the State General Obligation Bond Law (Chapter 4 (commencing
13 with Section 16720) of Part 3 of Division 4 of Title 2 of the
14 Government Code), and all of the provisions of that law apply to
15 the bonds and to this chapter.

16 ~~5887.02.~~

17 5889.02. (a) Solely for the purpose of authorizing the issuance
18 and sale, pursuant to the State General Obligation Bond Law
19 (Chapter 4 (commencing with Section 16720) of Part 3 of Division
20 4 of Title 2 of the Government Code), of the bonds authorized by
21 this chapter, the California *Parks, Water, Climate, and Coastal*
22 *Protection and Outdoor Access For All Finance Committee* is
23 hereby created. For purposes of this chapter, the California *Parks,*
24 *Water, Climate, and Coastal Protection and Outdoor Access For*
25 *All Finance Committee* is the “committee” as that term is used in
26 the State General Obligation Bond Law.

27 (b) The committee consists of the Director of Finance, the
28 Treasurer, and the Controller. Notwithstanding any other provision
29 of law, any member may designate a representative to act as that
30 member in his or her place for all purposes, as though the member
31 were personally present.

32 (c) The Treasurer shall serve as the chair of the committee.

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

34 ~~5887.03.~~

35 5889.03. The committee shall determine whether or not it is
36 necessary or desirable to issue bonds authorized by this chapter in
37 order to carry out the actions specified in this chapter and, if so,
38 the amount of bonds to be issued and sold. Successive issues of
39 bonds may be authorized and sold to carry out those actions

1 progressively, and it is not necessary that all of the bonds
2 authorized to be issued be sold at any one time.

3 ~~5887.04.~~

4 ~~5889.04.~~ For purposes of the State General Obligation Bond
5 Law, “board,” as defined in Section 16722 of the Government
6 Code, means the Secretary of the Natural Resources Agency.

7 ~~5887.05.~~

8 ~~5889.05.~~ There shall be collected each year and in the same
9 manner and at the same time as other state revenue is collected,
10 in addition to the ordinary revenues of the state, a sum in an amount
11 required to pay the principal of, and interest on, the bonds each
12 year. It is the duty of all officers charged by law with any duty in
13 regard to the collection of the revenue to do and perform each and
14 every act that is necessary to collect that additional sum.

15 ~~5887.06.~~

16 ~~5889.06.~~ Notwithstanding Section 13340 of the Government
17 Code, there is hereby appropriated from the General Fund in the
18 State Treasury, for the purposes of this chapter, an amount that
19 will equal the total of the following:

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

23 (b) The sum that is necessary to carry out the provisions of
24 Section ~~5887.09~~, ~~5889.09~~, appropriated without regard to fiscal
25 years.

26 ~~5887.07.~~

27 ~~5889.07.~~ The board may request the Pooled Money Investment
28 Board to make a loan from the Pooled Money Investment Account
29 in accordance with Section 16312 of the Government Code for the
30 purpose of carrying out this chapter less any amount withdrawn
31 pursuant to Section ~~5887.09~~. ~~5889.09~~. The amount of the request
32 shall not exceed the amount of the unsold bonds that the committee
33 has, by resolution, authorized to be sold for the purpose of carrying
34 out this chapter. The board shall execute those documents required
35 by the Pooled Money Investment Board to obtain and repay the
36 loan. Any amounts loaned shall be deposited in the fund to be
37 allocated in accordance with this chapter.

38 ~~5887.08.~~

39 ~~5889.08.~~ Notwithstanding any other provision of this chapter,
40 or of the State General Obligation Bond Law, if the Treasurer sells

1 bonds that include a bond counsel opinion to the effect that the
2 interest on the bonds is excluded from gross income for federal
3 tax purposes under designated conditions or is otherwise entitled
4 to any federal tax advantage, the Treasurer may maintain separate
5 accounts for the bond proceeds invested and for the investment
6 earnings on those proceeds, and may use or direct the use of those
7 proceeds or earnings to pay any rebate, penalty, or other payment
8 required under federal law or take any other action with respect
9 to the investment and use of those bond proceeds, as may be
10 required or desirable under federal law in order to maintain the
11 tax-exempt status of those bonds and to obtain any other advantage
12 under federal law on behalf of the funds of this state.

13 ~~5887.09.~~

14 *5889.09.* For the purposes of carrying out this chapter, the
15 Director of Finance may authorize the withdrawal from the General
16 Fund of an amount or amounts not to exceed the amount of the
17 unsold bonds that have been authorized by the committee to be
18 sold for the purpose of carrying out this chapter less any amount
19 borrowed pursuant to Section ~~5887.07.~~ *5889.09.* Any amounts
20 withdrawn shall be deposited in the fund. Any moneys made
21 available under this section shall be returned to the General Fund,
22 with interest at the rate earned by the moneys in the Pooled Money
23 Investment Account, from proceeds received from the sale of bonds
24 for the purpose of carrying out this chapter.

25 ~~5887.10.~~

26 *5889.10.* All moneys deposited in the fund that are derived
27 from premium and accrued interest on bonds sold pursuant to this
28 chapter shall be reserved in the fund and shall be available for
29 transfer to the General Fund as a credit to expenditures for bond
30 interest, except that amounts derived from premiums may be
31 reserved and used to pay the cost of bond issuance prior to any
32 transfer to the General Fund.

33 ~~5887.11.~~

34 *5889.11.* Pursuant to Chapter 4 (commencing with Section
35 16720) of Part 3 of Division 4 of Title 2 of the Government Code,
36 the cost of bond issuance shall be paid out of the bond proceeds,
37 including premiums, if any. To the extent the cost of bond issuance
38 is not paid from premiums received from the sale of bonds, these
39 costs shall be shared proportionately by each program funded
40 through this chapter by the applicable bond sale.

1 ~~5887.12.~~

2 5889.12. The bonds issued and sold pursuant to this chapter
3 may be refunded in accordance with Article 6 (commencing with
4 Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of
5 the Government Code, which is a part of the State General
6 Obligation Bond Law. Approval by the voters of the state for the
7 issuance of the bonds under this chapter shall include approval of
8 the issuance of any bonds issued to refund any bonds originally
9 issued under this chapter or any previously issued refunding bonds.

10 ~~5887.13.~~

11 5889.13. The proceeds from the sale of bonds authorized by
12 this chapter are not “proceeds of taxes” as that term is used in
13 Article XIII B of the California Constitution, and the disbursement
14 of these proceeds is not subject to the limitations imposed by that
15 article.

16 SEC. 2. (a) Notwithstanding the requirements of Sections
17 9040, 9043, 9044, 9061, and 9082 of the Elections Code, or any
18 other law, the Secretary of State shall submit this act to the voters
19 at the November 8, 2016, statewide general election.

20 (b) The Secretary of State shall include in the ballot pamphlets
21 mailed pursuant to Section 9094 of the Elections Code the
22 information specified in Section 9084 of the Elections Code
23 regarding the bond act contained in this act. If that inclusion is not
24 possible, the Secretary of State shall publish a supplemental ballot
25 pamphlet regarding this act to be mailed with the ballot pamphlet.
26 If the supplemental ballot pamphlet cannot be mailed with the
27 ballot pamphlet, the supplemental ballot pamphlet shall be mailed
28 separately.

29 (c) Notwithstanding Section 9054 of the Elections Code or any
30 other law, the translations of the ballot title and the condensed
31 statement of the ballot title required pursuant to Section 9054 of
32 the Elections Code may be made available for public examination
33 at a later date than the start of the public examination period for
34 the ballot pamphlet, provided that the translations of the ballot title
35 and the condensed statement of the ballot title must remain
36 available for public examination for eight days.

37 (d) Notwithstanding Section 13282 of the Elections Code or
38 any other law, the public shall be permitted to examine the
39 condensed statement of the ballot title for not more than eight days.
40 Any voter may seek a writ of mandate for the purpose of requiring

1 the condensed statement of the ballot title, or portion thereof, to
2 be amended or deleted only within that eight-day period.
3 SEC. 3. This act shall take effect upon approval by the voters
4 of the California *Parks, Water, Climate, and Coastal Protection*
5 and Outdoor Access For All Act, as set forth in Section 1 of this
6 act.

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