

Date Published: 02/23/2017 09:00 PM

Agenda Item X
WCCA
5/8/17

BILL START

REVISED MARCH 08, 2017

AMENDED IN ASSEMBLY FEBRUARY 23, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 18

Introduced by Assembly ~~Member Eduardo Garcia~~ Members *Eduardo Garcia, Chiu, Chu, Eggman, Gonzalez Fletcher, Kalra, Levine, Limón, McCarty, and Thurmond*

December 05, 2016

An act to add Chapter 14 (commencing with Section 5880) to Division 5 of the Public Resources Code, relating to a clean water, climate, ~~and~~ coastal ~~protection~~ *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, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 18, as amended, ~~Eduardo Garcia~~ *Eduardo Garcia*. California Clean Water, Climate, ~~and~~ Coastal ~~Protection~~ *Protection*, and Outdoor Access For All Act of 2018.

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 Clean Water, Climate, ~~and~~ Coastal ~~Protection~~ *Protection*, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of ~~\$3,005,000,000~~ *\$3,105,000,000* pursuant to the State General Obligation Bond Law to finance a clean water, climate, ~~and~~ coastal ~~protection~~ *protection*, and outdoor access for all program.

The bill would provide for the submission of these provisions to the voters at the June 5, 2018, statewide direct primary election.

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

DIGEST KEY

Vote: 2/3 Appropriation: NO Fiscal Committee: YES Local Program: NO

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

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

CHAPTER 14. California Clean Water, Climate, ~~and Coastal Protection~~ *Protection*, and Outdoor Access For All Act of 2018

Article 1. General Provisions

5880.

(a) The people of California find and declare all of the following:

- (1) From California's beautiful rivers, streams, coastal shorelines, and other waterways, to our federal, state, local, and regional parks and outdoor settings, to our vast network of trails connecting people with natural landscapes, Californians value the diversity of outdoor experiences afforded to this state and its citizens.
 - (2) Demand for local parks has exceeded available funding by a factor of 8 to 1, with particularly high demand in urban, disadvantaged communities.
 - (3) Many Californians across the state lack access to safe parks, trails, and recreation areas, which limits their ability to experience the outdoors, improve their physical and emotional health, exercise, and connect with their communities.
 - (4) Investments to create new and improve existing parks and recreation areas, and to create trail networks that provide access from neighborhoods to parks and recreational opportunities, will help ensure all Californians have access to safe places to exercise and enjoy recreational activities.
 - (5) The California Center for Public Health Advocacy estimates that inactivity and obesity cost California over forty billion dollars (\$40,000,000,000) annually, through increased health care costs and lost productivity due to obesity-related illnesses, and that even modest increases in physical activity would result in significant savings. Investments in infrastructure improvements such as biking and walking trails and pathways and water quality and supply, whether in urban or natural areas, are cost-effective ways to promote physical activity.
 - (6) Continued investments in the state's parks, trails, and natural resources, and greening urban areas will help mitigate the effects of climate change, making cities more livable, and will protect California's natural resources for future generations.
 - (7) California's outdoor recreation economy represents an eighty-seven-billion-dollar (\$87,000,000,000) industry, providing over 700,000 jobs and billions of dollars in local and state revenues.
 - (8) California's state, local, and regional park system infrastructure and national park system infrastructure are aging, and a significant infusion of capital is required to protect this investment.
 - (9) There has been a historic underinvestment in parks, trails, and outdoor infrastructure in disadvantaged areas and many communities throughout California.
 - (10) Tourism is a growing industry in California and remains an economic driver for the more rural parts of the state.
- (b) It is the intent of the people of California that all of the following shall occur in the implementation of this chapter:
- (1) The investment of public funds pursuant to this chapter will result in public benefits that address the most critical statewide needs and priorities for public funding.
 - (2) In the appropriation and expenditure of funding authorized by this chapter, priority will be given to projects that leverage private, federal, or local funding or produce the greatest public benefit.

(3) To the extent practicable, a project that receives moneys pursuant to this chapter will include signage informing the public that the project received funds from the California Clean Water, Climate, ~~and Coastal Protection~~ *Protection*, and Outdoor Access For All Act of 2018.

(4) To the extent practicable, when developing program guidelines for urban recreation projects and habitat protection or restoration projects, administering entities are encouraged to give favorable consideration to projects that provide urban recreation and protect or restore natural resources. Additionally, the entities may pool funding for these projects.

(5) To the extent practicable, a project in a disadvantaged community that receives money pursuant to this chapter will provide workforce education, training, and quality job opportunities.

5880.01.

The following definitions govern the construction of this chapter:

(a) "Committee" means the California Clean Water, Climate, Coastal ~~Protection~~ *Protection*, and Outdoor Access For All Finance Committee created by Section 5891.02.

(b) "Conservation actions on private lands" means projects with willing landowners that involve the adaptive flexible management of natural resources in response to changing conditions and threats to habitat and wildlife and that result in habitat conditions on private lands that, when managed dynamically over time, contribute to the long-term health and resiliency of vital ecosystems and enhance wildlife populations.

(c) "Department" means the Department of Parks and Recreation.

(d) "Disadvantaged community" has the same meaning as set forth in subdivision (g) of Section 75005.

(e) "Fund" means the California Clean Water, Climate, ~~and Coastal Protection~~ *Protection*, and Outdoor Access For All Fund, created by Section 5880.085.

(f) "Heavily urbanized city" means a city with a population of 300,000 or more.

(g) "Heavily urbanized county" means a county with a population of 3,000,000 or more.

(h) "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 skilled specialist.

(i) "Nonprofit organization" means a nonprofit corporation qualified to do business in California and qualified under Section 501(c)(3) of the Internal Revenue Code.

(j) "Preservation" means rehabilitation, stabilization, restoration, development, and reconstruction, or any combination of those activities.

(k) "Protection" means those actions necessary to prevent harm or damage to persons, property, or 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, cultural, and historic resources, and includes acquisition, development, restoration, preservation, and interpretation.

(l) "Restoration" means the improvement of physical structures or facilities and, in the case of natural systems and landscape features, includes, but is not limited to, projects for the control of erosion, the control and elimination of exotic species, removal of waste and debris, prescribed burning, fuel hazard reduction, fencing out threats to existing or restored natural resources, road elimination, and other plant and wildlife habitat improvement to increase the natural system value of the property. Restoration projects shall include the planning, monitoring, and reporting necessary to ensure successful implementation of the project objectives.

(m) "Severely disadvantaged community" means a community with a median household income less than 60 percent of the statewide average.

5880.02.

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

5880.03.

(a) Except as provided in subdivision (b), up to 12.5 percent of funds allocated for each program funded by this chapter may be expended for planning and monitoring necessary for the successful design, selection, and implementation of the projects authorized under that program. This section shall not otherwise restrict funds ordinarily used by an agency for "preliminary plans," "working drawings," and "construction" as defined in the annual Budget Act for a capital outlay project or grant project. Planning may include feasibility studies for environmental site cleanup that would further the purpose of a project that is eligible for funding under this chapter.

(b) Funds used for planning projects that benefit disadvantaged communities may exceed 12.5 percent of the funds allocated if the state agency administering the moneys determines that there is a need for the additional funding.

5880.04.

(a) (1) Except as provided in paragraph (2), at least 20 percent of the funds available pursuant to each article of this chapter shall be allocated for projects serving severely disadvantaged communities.

(2) At least 15 percent of the funds available pursuant to Article 8 (commencing with Section 5888) and Article 9 (commencing with Section 5889) shall be allocated for projects serving severely disadvantaged communities.

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

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

5880.05.

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

(a) (1) Develop and adopt project solicitation and evaluation guidelines. The guidelines shall include monitoring and reporting requirements and may include a limitation on the dollar amount of grants to be awarded. If the state agency has previously developed and adopted project solicitation and evaluation guidelines that comply with the requirements of this subdivision, it may use those guidelines.

(2) Guidelines adopted pursuant to this subdivision shall encourage, where feasible, inclusion of the following project components:

(A) Efficient use and conservation of water supplies.

(B) Use of recycled water.

(C) The capture of stormwater to reduce stormwater runoff, reduce water pollution, or recharge groundwater supplies, or a combination thereof.

(D) Provision of safe and reliable drinking water supplies to park and open-space visitors.

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

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

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

5880.06.

(a) The Department of Finance shall provide for an independent audit of expenditures pursuant to this chapter. The Secretary of the Natural Resources Agency shall publish a list of all program and project expenditures pursuant to this chapter not less than annually, in written form, and shall post an electronic form of the list on the agency's Internet Web site in a downloadable spreadsheet format. The spreadsheet shall include information about the location and footprint of each funded project, the

project's objectives, the status of the project, anticipated outcomes, any matching moneys provided for the project by the grant recipient, and the applicable article of this chapter pursuant to which the grant recipient received moneys.

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

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

5880.065.

If any moneys allocated pursuant to this chapter are not encumbered or expended by the recipient entity within the time period specified by the administering agency, the unexpended moneys shall revert to the administering entity for allocation consistent with the applicable article.

5880.07.

To the extent feasible, a project whose application includes the use of services of the California Conservation Corps, certified community conservation corps, as defined in Section 14507.5, or other nonprofit entities that provide job training and education opportunities for veterans, foster care recipients, farmworkers, or local youth in conservation or restoration projects shall be given preference for receipt of a grant under this chapter.

5880.075.

To the extent feasible, a project that includes water efficiencies, stormwater capture, or carbon sequestration features in the project design may be given priority for grant funding under this chapter.

5880.076.

Moneys allocated pursuant to this chapter shall not be used to fulfill any mitigation requirements imposed by law.

5880.077.

(a) To the extent feasible in implementing this chapter and except as provided in subdivision (b), a state agency receiving funding under this chapter shall seek to achieve wildlife conservation objectives through projects on public lands or voluntary projects on private lands. Funds may be used for payments for the creation of measurable habitat improvements or other improvements to the condition of endangered or threatened species, including through the development and implementation of habitat credit exchanges.

(b) This section shall not apply to Article 2 (commencing with Section 5881), Article 3 (commencing with Section 5882), Article 5 (commencing with Section 5884), or Article 6 (commencing with Section 5885).

5880.078.

A state agency that receives funding to administer a grant program under this chapter shall report to the Legislature by January 1, 2027, on its expenditures pursuant to this chapter and the public benefits received from those expenditures.

5880.080.

A state conservancy receiving funding pursuant to this article shall endeavor to allocate funds that are complementary, but not duplicative, of authorized expenditures made pursuant to Chapter 188 of the Statutes of 2014.

5880.082.

Funding pursuant to this chapter may be used for grants and loans to nonprofit organizations to repay financing described in Section 22064 of the Financial Code for projects that are consistent with the purposes of this chapter.

5880.084.

For grants awarded for projects that serve a disadvantaged community, the administering entity shall provide advanced payments in the amount of 25 percent of the grant award to the recipient to initiate the project in a timely manner. The administering entity may adopt additional requirements for the recipient of the grant regarding the use of the advanced payments to ensure that the moneys are used properly.

5880.085.

The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the California Clean Water, Climate, ~~and~~ Coastal ~~Protection~~ *Protection*, and Outdoor Access For All Fund, which is hereby created in the State Treasury.

5880.09.

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

Article 2. Investments in Environmental and Social Equity, Enhancing California's Disadvantaged Communities

5881.

(a) The sum of nine hundred million dollars (\$900,000,000) shall be available to the department, upon appropriation by the Legislature, for the creation and expansion of safe neighborhood parks in park-poor neighborhoods in accordance with the Statewide Park Development and Community Revitalization Act of 2008 competitive grant program described in Chapter 3.3 (commencing with Section 5640).

(b) When developing or revising criteria or guidelines for the grant program, the department may give additional consideration to projects that incorporate stormwater capture and storage or otherwise reduce stormwater pollution. The department shall perform its due diligence by conducting a rigorous prequalification process to determine the fiscal and operational capacity and ability of a potential grant recipient to do both of the following:

(1) Manage a project to maximize public benefit in perpetuity.

(2) Implement the project in a timely manner.

5881.01.

Of the amount available pursuant to subdivision (a) of Section 5881, not less than 20 percent shall be available for the rehabilitation, repurposing, or substantial improvement of existing park infrastructure in communities of the state that will lead to increased use and enhanced user experiences.

5881.02.

Of the amount available pursuant to subdivision (a) of Section 5881, to correct historic underinvestments in the central valley, Inland Empire, gateway, and desert communities, the sum of forty million dollars (\$40,000,000) shall be available for local park improvement grants to the communities identified by the department as park deficient within those areas for active recreational projects, including aquatic centers, to encourage youth health, fitness, and recreational pursuits. Projects that include the donation of land, materials, or volunteer services and that demonstrate collaborations of multiple entities and the leveraging of scarce resources may be given consideration. Entities that receive a grant under this section may also be eligible to receive ~~a grant~~ *other grants* under subdivision (a) of Section 5881.

Article 3. Investments in Protecting, Enhancing, and Accessing California's Local and Regional Outdoor Spaces

Article 3.

5882.

For purposes of this article, "district" means any regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3, any recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780), or any authority formed pursuant to Division 26 (commencing with Section 35100). With respect to any community or unincorporated region that is not included within a district, and in which no city or county provides parks or recreational areas or facilities, "district" also means any other entity, including, but not limited to, a district operating multiple-use parklands pursuant to Division 20 (commencing with Section 71000) of the Water Code, that is authorized by statute to operate and manage parks or recreational areas or facilities, employs a full-time park and recreation director, offers year-round park and recreation services on land and facilities owned by the entity, and allocates a substantial portion of its annual operating budget to parks or recreation areas or facilities.

5882.01.

(a) The sum of four hundred twenty-five million dollars (\$425,000,000) shall be available to the department, upon appropriation by the Legislature, for local park rehabilitation, creation, and improvement grants to local governments on a per capita basis. Grant recipients shall be encouraged to utilize awards to rehabilitate existing infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors.

(b)

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

5882.02.

(a) (1) The department shall allocate 60 percent of the funds available pursuant to subdivision (a) of Section 5882.01 to cities and districts, other than a regional park district, regional park and open-space district, open-space authority, or regional open-space district. Each city's and district's allocation shall be in the same ratio as the city's or district's population is to the combined total of the state's population that is included in incorporated and unincorporated areas within the county, except that each city or district shall be entitled to a minimum allocation of two hundred thousand dollars (\$200,000). If the boundary of a

city overlaps the boundary of a district, the population in the overlapping area shall be attributed to each jurisdiction in proportion to the extent to which each operates and manages parks and recreational areas and facilities for that population. If the boundary of a city overlaps the boundary of a district, and in the area of overlap the city does not operate and manage parks and recreational areas and facilities, all grant funds for that area shall be allocated to the district.

(2) On or before April 1, 2020, a city and a district that are subject to paragraph (1), and whose boundaries overlap, shall collaboratively develop and submit to the department a specific plan for allocating the grant funds in accordance with the formula specified in paragraph (1). If, by that date, the plan has not been developed and submitted to the department, the director shall determine the allocation of the grant funds between the affected jurisdictions.

(b) (1) The department shall allocate 40 percent of the funds available pursuant to subdivision (a) of Section 5882.01 to counties and regional park districts, regional park and open-space districts, open-space authorities formed pursuant to Division 26 (commencing with Section 35100), and regional open-space districts formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3.

(2) Each county's allocation under paragraph (1) shall be in the same ratio that the county's population is to the total state population, except that each county shall be entitled to a minimum allocation of four hundred thousand dollars (\$400,000).

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

(c) For the purpose of making the calculations required by this section, population shall be determined by the department, in cooperation with the Department of Finance, on the basis of the most recent verifiable census data and other verifiable population data that the department may require to be furnished by the applicant city, county, or district.

(d) The Legislature intends all recipients of funds pursuant to subdivision (a) of Section 5882.01 to use those funds to supplement local revenues in existence on the effective date of the act adding this chapter. To receive an allocation pursuant to subdivision (a) of Section 5882.01, the recipient shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this chapter in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but that is not available on an ongoing basis, shall not be considered when calculating a recipient's annual expenditures. For purposes of this subdivision, the Controller may request fiscal data from recipients for the preceding three fiscal years. Each recipient shall furnish the data to the Controller no later than 120 days after receiving the request from the Controller.

5882.04.

(a) The director of the department shall prepare and adopt criteria and procedures for evaluating applications for grants allocated pursuant to subdivision (a) of Section 5882.01. The application shall be accompanied by certification that the project is consistent with the park and recreation element of the applicable city or county general plan or the district park recreation plan, as the case may be.

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

5882.06.

(a) The sum of one hundred ten million dollars (\$110,000,000) shall be available to the department, upon appropriation by the Legislature, for grants to regional park districts, counties, regional open-space districts, open-space authorities formed pursuant to Division 26 (commencing with Section 35100), and eligible nonprofit organizations on a competitive grant basis to create, expand, improve, rehabilitate, or restore parks and park facilities, including, but not limited to, trails, regional trail networks, regional sports complexes, low-cost accommodations in park facilities, and visitor, outdoor, and interpretative facilities serving youth and communities of color.

(b) In awarding moneys, the department shall encourage applicants seeking funds for acquisition projects to perform projects in conjunction with new or enhanced ~~public-use~~ *public use* and ~~public-access~~ *public access* opportunities.

(c) Preference may be given to multiuse trail projects over single-use trail projects.

5882.08.

The sum of five million dollars (\$5,000,000) shall be available to the department for grants, awarded proportionally based on populations served, to local agencies that have obtained local voter approval between November 1, 2012, through November 30, 2018, inclusive, for revenue enhancement measures aimed at improving and enhancing local or regional park infrastructure. A

recipient of a grant under this section shall receive at least two hundred fifty thousand dollars (\$250,000) for the purposes of the revenue enhancement measure.

5882.10.

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

(b) Funds appropriated pursuant to this article shall be encumbered by the recipient within three years from the date the appropriation is effective. Regardless of the date of encumbrance of the granted funds, the recipient is expected to complete all funded projects within eight years of the effective date of the appropriation.

Article 4. Restoring California's Natural, Historic, and Cultural Legacy

5883.

(a) The sum of three hundred thirty million dollars (\$330,000,000) shall be available to the department, upon appropriation by the Legislature, for restoration and preservation of existing state park facilities and units, to promote greater access to those units through the provision of low-cost overnight accommodations in ways that enhance access and recreational opportunities for disadvantaged communities, to preserve and increase public access to those facilities and units, and to protect the natural, cultural, and historic resources of those facilities and units. Not less than 80 percent of these funds shall be available for capital improvements that address the department's backlog of deferred maintenance or that enhance park access and user experiences.

(b) Of the amount available pursuant to subdivision (a), the sum of fifteen million dollars (\$15,000,000) shall be available for enterprise projects that facilitate new or enhanced park use and user experiences and increase revenue generation to support operations of the department.

(c) Of the amount available pursuant to subdivision (a), the sum of fifteen million dollars (\$15,000,000) shall be available to the department for grants to local agencies that operate a unit of the state park system to address an urgent need for the restoration of aging infrastructure that, without restoration, would compromise the continued operation of the unit. Unless a local agency has been identified as a disadvantaged community, a local agency that receives a grant pursuant to this subdivision shall be required to provide a match of not less than 25 percent.

5883.01.

The department, in expending the funding available under this article, shall endeavor, where practical, to partner with cities, counties, nonprofit organizations, and nongovernmental organizations to maximize leveraging opportunities to enhance tourism, visitation, and visitor experiences.

Article 5. Trails and Greenway Investment

5884.

(a) The sum of forty-five million dollars (\$45,000,000) shall be available to the Natural Resources Agency, working in cooperation with the department, upon appropriation by the Legislature, for competitive grants to local agencies, state conservancies, federally recognized Native American tribes, nonfederally recognized California Native American tribes listed on the California Tribal Consultation List maintained by the Native American Heritage Commission, and nonprofit organizations to provide nonmotorized infrastructure development and enhancements that promote new or alternate access to parks, waterways, outdoor recreational pursuits, and forested or other natural environments to encourage health-related commuting and opportunities for Californians to reconnect with nature.

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

(c) Alignment, development, and improvement of nonmotorized infrastructure and trails that lead to safer interconnectivity among parks, waterways, and natural areas may be encouraged.

(d) The Natural Resources Agency is encouraged, when designing guidelines for grants awarded under this article, to utilize existing program guidelines, including, if applicable, guidelines that have been established for the California Recreational Trails Act (Article 6 (commencing with Section 5070) of Chapter 1) and, to the extent possible, to design guidelines that are consistent with the California Recreational Trails Plan, as described in Article 6 (commencing with Section 5070) of Chapter 1.

5884.01.

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

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

5885.

(a) The sum of forty million dollars (\$40,000,000) shall be available to the department, upon appropriation by the Legislature, to administer a competitive grant program for cities, counties, and districts in nonurbanized areas, that are eligible for a grant under the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620)). Notwithstanding subdivisions (c) and (e) of Section 5621 and for the purposes of this section, the definition of ~~nonurbanized area~~ "*nonurbanized area*" shall be updated by the department to reflect current population levels. A nonurbanized area shall include counties with populations of less than 500,000 people. In awarding the grants, the department may consider the following factors:

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

(2) Whether the project proposes to acquire and develop lands to enhance resident recreation while promoting the quality of tourism experiences and the economic vitality of the community. These enhancements may include accessibility for individuals with disabilities, trails, bikeways, regional or destination-oriented recreational amenities, and visitor centers.

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

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

Article 7. California River Recreation, Creek, Stormwater, and Waterway Improvement Program**5886.**

(a) The sum of seventy million dollars (\$70,000,000) shall be available to the Natural Resources Agency, upon appropriation by the Legislature, for grants pursuant to the California River Parkways Act of 2004 (Chapter 3.8 (commencing with Section 5750)). Eligible projects shall include, but are not limited to, projects that protect and enhance urban creeks.

(1) Of the amount made available pursuant to this subdivision, not less than five million dollars (\$5,000,000) shall be available for the Lower American River Conservancy Program, as described in Chapter 375 of the Statutes of 2016.

(2) Of the amount made available pursuant to this subdivision, not less than five million dollars (\$5,000,000) shall be available for improvements in and along the Guadalupe River and its headwaters or contributing tributaries, including Los Gatos Creek, upon the enactment of subsequent legislation that demonstrates a comprehensive local and regional approach to restoration, public recreation, and management of the river corridor.

(3) Of the amount made available pursuant to this subdivision, five million dollars (\$5,000,000) shall be available for improvements in and along the Russian River upon the enactment of subsequent legislation that provides a comprehensive regional use management plan to reduce conflict and promote cooperative public recreation, commercial activity, and habitat protection benefits.

(4) Of the amount made available pursuant to this subdivision, five million dollars (\$5,000,000) shall be available to the Santa Ana River Conservancy Program pursuant to Chapter 4.6 (commencing with Section 31170) of Division 21.

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

(c) To maximize cooperation and leverage resources, the Natural Resources Agency may give priority to projects that include partnerships among federal, state, and local agencies and to projects proposed by nonprofit organizations, including, but not limited to, nonprofit land trusts.

5886.01.

The sum of ninety million dollars (\$90,000,000) shall be available to the Natural Resources Agency, upon appropriation by the Legislature, for project grants for the protection and enhancement of an urban creek, as defined in subdivision (e) of Section 7048 of the Water Code, and its tributaries, pursuant to Division 22.8 (commencing with Section 32600) and Division 23 (commencing with Section 33000) of this code and Section 79508 of the Water Code. Money available pursuant to this section shall be equally divided between projects in areas described in Division 22.8 (commencing with Section 32600) and projects in areas described in Division 23 (commencing with Section 33000). Projects serving disadvantaged communities shall have priority for funding under this section.

5886.03.

The sum of ten million dollars (\$10,000,000) shall be available to the department, upon appropriation by the Legislature, to implement the Urban Streams Restoration Program, established pursuant to Section 7048 of the Water Code.

5886.04.

The sum of thirty million dollars (\$30,000,000) shall be available to the Salton Sea Authority, upon appropriation by the Legislature, for capital outlay projects that provide air quality and habitat benefits and that implement the Natural Resource Agency's Salton Sea Management Program. Of this amount, not less than ten million dollars (\$10,000,000) shall be available for purposes consistent with the New River Water Quality, Public Health, and River Parkway Development Program, as described in Section 71103.6.

5886.05.

(a) The sum of twenty-five million dollars (\$25,000,000) shall be available to the Natural Resources Agency for competitive grants to cities, counties, regional park districts, park districts, regional open-space districts, open-space authorities, conservation-based nonprofit organizations, and joint powers authorities for stormwater capture projects that lead to improved or enhanced park, parkway, open-space, greenways, or green infrastructure and provide for at least two of the following benefits:

- (1) Reduces flooding.
- (2) Reduces water pollution.
- (3) Facilitates increased recharge of groundwater or otherwise stores water for reuse.
- (4) Increases or otherwise enhances habitat for fish and wildlife.
- (5) Promotes adaptation and protections against sea level rise.
- (6) Reduces heat island effects.

(b) In implementing this section, the Natural Resources Agency may draw from existing guidelines and provisions such as the urban greening program, as described in Section ~~75129~~ 75129, as that section existed at the time this act was enacted.

5886.06.

To the maximum extent feasible, the Natural Resources Agency and the department are encouraged, when developing guidelines for grants awarded under this article, to utilize existing programs ~~through which~~ where communities enter into partnerships with state agencies for multibenefit projects to enhance and restore waterways, including, but not limited to, the Riverine Stewardship Technical Assistance program.

Article 7.5. State Conservancy Funding**5887.**

The sum of one hundred forty-five million dollars (\$145,000,000) shall be available, upon appropriation by the Legislature, in accordance with the following schedule, to fulfill the purposes of the specified entity:

- (a) Baldwin Hills Conservancy, five million dollars (\$5,000,000).
- (b) California Tahoe Conservancy, twenty million dollars (\$20,000,000).
- (c) Coachella Valley Mountains Conservancy, ten million dollars (\$10,000,000).
- (d) Sacramento-San Joaquin Delta Conservancy, ten million dollars (\$10,000,000).
- (e) San Diego River Conservancy, fifteen million dollars (\$15,000,000).
- (f) San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, twenty-five million dollars (\$25,000,000).
- (g) San Joaquin River Conservancy, ten million dollars (\$10,000,000).
- (h) Santa Monica Mountains Conservancy, twenty-five million dollars (\$25,000,000).
- (i) Sierra Nevada Conservancy, twenty-five million dollars (\$25,000,000).

5887.01.

The Legislature shall strive to consider population size, land mass, and natural resource significance as factors when determining the amount of any other funds to be made available to an entity listed in Section 5887.

5887.02.

A receiving entity in Section 5887 shall develop and adopt a strategic master plan that identifies priorities and specific criteria for selecting projects for funding. The strategic plan shall include strategies for providing public access to conserved lands wherever feasible and be consistent with project goals and objectives.

5887.03.

Conservancies, in expending the funding available under this article, shall endeavor, where practical, to partner with cities, counties, nonprofit organizations, and nongovernmental organizations to acquire open space and create urban greenway corridors.

Article 8. Ocean, Bay, and Coastal Protection

5888.

The sum of one hundred eighty million dollars (\$180,000,000) shall be available, upon appropriation by the Legislature, to fund projects that enhance and protect coastal and ocean resources in the state as follows:

(a) The sum of forty-five million dollars (\$45,000,000) shall be available for deposit into the California Ocean Protection Trust Fund for grants consistent with Section 35650. Priority shall be given to projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems with a focus on the state's system of marine protected areas and sustainable fisheries.

(b) The sum of forty million dollars (\$40,000,000) shall be available to the San Francisco Bay Area Conservancy Program (Chapter 4.5 (commencing with Section 31160) of Division 21).

(c) The sum of ninety-five million dollars (\$95,000,000) shall be available to the State Coastal Conservancy for the protection of beaches, bays, and coastal watershed resources, including the protection of coastal agricultural resources pursuant to Section 31150 and projects to complete the California Coastal Trail pursuant to Section 31408.

5888.02.

In implementing Section 5888, the administering entity may give special consideration to the acquisition of lands that are in deferred certification areas of county local coastal plans.

5888.03.

The sum of one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency to fund projects that improve existing or develop new lower-cost accommodations on coastal public lands and coastal lands owned or operated by nonprofit organizations, including, but not limited to, state, regional, and local parks, conservancies, and lands held by harbor or open-space districts.

Article 9. Climate Preparedness, Habitat Resiliency, Resource Enhancement, and Innovation

5889.

The sum of six hundred million dollars (\$600,000,000) shall be available, upon appropriation by the Legislature, to plan, develop, and implement climate adaptation and resiliency projects that improve a community's ability to adapt to the unavoidable impacts of climate change. Projects shall improve and protect coastal and rural economies, agricultural viability, wildlife corridors, or habitat, develop future recreational opportunities, or enhance drought tolerance and water retention, in accordance with the following schedule:

(a) (1) Four hundred million dollars (\$400,000,000) shall be available to the Wildlife Conservation Board for grants for any of the following:

(A) Projects for the acquisition, development, rehabilitation, restoration, protection, and expansion of wildlife corridors and open space, including projects to improve connectivity and reduce barriers between habitat areas. In awarding grants pursuant to this subparagraph, priority may be given to projects that protect state-designated wildlife corridors and wildlife corridors threatened by urban development.

(B) Projects for the acquisition, development, rehabilitation, restoration, protection, and expansion of habitat that promote the recovery of threatened and endangered species.

(C) Projects to improve climate adaptation and resilience of natural systems.

(D) Projects to protect and improve existing open-space corridors and trail linkages related to utility or transportation infrastructure that provide habitat connectivity and public access or trails.

(E) Projects to restore rivers and streams in support of fisheries and wildlife, including, but not limited to, reconnection of rivers with their flood plains, riparian and side-channel habitat restoration, and restoration and protection of upper watershed forests and meadow systems that are important for fish and wildlife resources and projects that *are* consistent with the purposes of

subdivision (f) of Section 79738 of the Water Code. Priority shall be given to projects supported by multistakeholder public or private partnerships, or both, using a science-based approach and measurable objectives to guide identification, design, and implementation of regional actions to benefit salmon and steelhead.

(F) In implementing this subdivision, the Wildlife Conservation Board may provide matching grants for incentives to landowners for conservation actions on private lands or use of voluntary habitat credit exchange mechanisms. The matching grant shall not exceed 50 percent of the total cost of the incentive program.

(2) Applications submitted pursuant to this subdivision that promote projects seeking to preserve the working character of lands, including uninterrupted agricultural and rangeland practices, through conservation easements, may be given additional consideration.

(3) Of the amount subject to this subdivision, fifty-five million dollars (\$55,000,000) shall be available for the acquisition, development, rehabilitation, restoration, protection, and expansion of habitat that furthers the implementation of natural community conservation plans adopted pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code); Code) to help resolve resource conflicts by balancing communitywide conservation, planning, and economic activities. Funding pursuant to this paragraph shall not be used to offset mitigation obligations otherwise required.

(4) Of the amount subject to this subdivision, five million dollars (\$5,000,000) shall be administered through the Department of Fish and Wildlife for competitive grants to wildlife rehabilitation facilities operated by nongovernmental entities.

(5) Of the amount subject to this subdivision, not less than forty million dollars (\$40,000,000) shall be available for the acquisition, development, rehabilitation, restoration, protection, and expansion of wildlife corridors and open space to improve connectivity and reduce barriers between habitat areas and to protect and restore habitat associated with the Pacific Flyway. In awarding grants pursuant to this paragraph, priority may be given to projects that protect state-designated wildlife corridors. Of the amount described in this paragraph, five million dollars (\$5,000,000) shall be available for the California Waterfowl Habitat Program.

(6) The Wildlife Conservation Board shall develop or update a strategic master plan that identifies priorities and specific criteria for selecting projects pursuant to paragraph (1).

(7) Activities funded pursuant to this subdivision shall be consistent with the state's climate adaptation strategy, as provided by Section 71153, and the statewide objectives provided in Section 71154.

(b) The sum of thirty million dollars (\$30,000,000) shall be available for deposit into the California Climate Resilience Account, established pursuant to Section 31012, for projects that assist coastal communities, including those reliant on commercial fisheries, with adaptation to climate change, including projects that address ocean acidification, sea level rise, or the protection of habitat associated with the Pacific Flyway.

(c) The sum of fifty million dollars (\$50,000,000) shall be available for projects that reduce fire risk, improve forest health, and provide feedstock for compost, energy, or alternative fuels facilities. Projects may include, but are not limited to, forest restoration projects that include hazardous fuel reduction, postfire watershed rehabilitation, and forest management practices that promote forest resilience to wildfire, climate change, and other disturbances. Unless otherwise specified by the Legislature, project funds shall be equally administered by the Department of Forestry and Fire Protection and by the Sierra Nevada Conservancy.

(d) The sum of thirty-five million dollars (\$35,000,000) shall be available to the California Conservation Corps for projects to rehabilitate or improve parks and restore watersheds, including regional and community fuel load reduction projects on public lands, and stream and river restoration projects. Not less than 50 percent of these funds shall be in the form of grants to certified local community conservation corps, as defined in Section 14507.5, including local community conservation corps that have secured certification within the last three to five years prior to the grant application date.

(e) The sum of ten million dollars (\$10,000,000) shall be available for projects that improve agricultural and open-space soil health, to improve carbon soil sequestration, erosion control, water quality, and water retention, which may in part be allocated to the Department of Conservation for watershed restoration and conservation projects on agricultural lands pursuant to Section 9084.

(f) (1) The sum of seventy-five million dollars (\$75,000,000) shall be available to the Natural Resources Agency to award funding to projects identified by local agencies, nonprofit organizations, nongovernmental land conservation organizations, federally recognized Native American tribes, or nonfederally recognized California Native American tribes listed on the California Tribal Consultation list maintained by the Native American Heritage Commission, as follows:

(A) Projects that involve the restoration, protection, and acquisition of Native American, natural, cultural, and historic resources within the state.

(B) Projects that convert and repurpose properties or parts of properties formerly operating as fossil fuel ~~power plants~~ *powerplants* on the effective date of this chapter to create permanently protected open space, tourism, and park opportunities through fee title or conservation easements.

(C) Projects that enhance park, water, and natural resource values through improved recreation, tourism, and natural resource investments in those areas of the state not within the jurisdiction of a state conservancy or areas served by public-private landscape level collaboratives.

(D) Projects that enhance visitor experiences through development, expansion, and improvement of science centers operated by foundations or other nonprofit organizations in heavily urbanized counties.

(2) Before a grant is awarded pursuant to this subdivision, a project applicant shall demonstrate availability to the applicant of a minimum 20-percent match from other funds. Project applicants shall be encouraged to leverage all available local, federal, and nongovernmental sources to maximize funding distribution.

5889.02.

In implementing Section 5889, the administering entity may give special consideration to the acquisition of lands that are in deferred certification areas of county local coastal plans.

Article 10. Fiscal Provisions

5891.

(a) Bonds in the total amount of three billion ~~five one hundred five~~ million dollars (~~\$3,005,000,000~~; *\$3,105,000,000*), not including the amount of any refunding bonds issued in accordance with Section 5891.12, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both the principal of, and interest on, the bonds as the principal and interest become due and payable.

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

5891.01.

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

5891.02.

(a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), of the bonds authorized by this chapter, the California Clean Water, Climate, ~~and Coastal Protection~~ *Protection*, and Outdoor Access For All Finance Committee is hereby created. For purposes of this chapter, the California Clean Water, Climate, ~~and Coastal Protection~~ *Protection*, and Outdoor Access For All Finance Committee is the "committee" as that term is used in the State General Obligation Bond Law.

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

(c) The Treasurer shall serve as the ~~chair~~ *chairperson* of the committee.

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

5891.03.

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

5891.04.

For purposes of the State General Obligation Bond Law, "board," as defined in Section 16722 of the Government Code, means the Secretary of the Natural Resources Agency.

5891.05.

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

5891.06.

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

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

(b) The sum that is necessary to carry out the provisions of Section 5891.09, appropriated without regard to fiscal years.

5891.07.

The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account in accordance with Section 16312 of the Government Code for the purpose of carrying out this chapter less any amount withdrawn pursuant to Section 5891.09. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold for the purpose of carrying out this chapter. The board shall execute those documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated in accordance with this chapter.

5891.08.

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

5891.09.

For the purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this chapter less any amount borrowed pursuant to Section 5891.07. Any amounts withdrawn shall be deposited in the fund. Any moneys made available under this section shall be returned to the General Fund, with interest at the rate earned by the moneys in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this chapter.

5891.10.

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

5891.11.

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

5891.12.

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

5891.13.

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

SEC. 2.

The Secretary of State shall submit *Section 1* of this act to the voters at the June 5, 2018, statewide direct primary election.

SEC. 3.

~~This Section 1 of this~~ act shall take effect upon approval by the voters of the California Clean Water, Climate, ~~and Coastal Protection~~ *Protection*, and Outdoor Access For All Act of 2018, as set forth in Section 1 of this act.

SEC. 4.

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

In order to fund a California clean water, climate, ~~and coastal~~ ~~protection~~ *protection*, and outdoor access for all program at the earliest possible date, it is necessary that this act take effect immediately.

REVISIONS:

Heading—Line 3.
