

Budget Change Proposal - Cover Sheet

Fiscal Year: 2020-21

Business Unit: 3790

Department: Parks and Recreation

Priority Number: Click or tap here to enter text.

Budget Request Name: 3790-070-BCP-2019-GB

Program: 2840

Subprogram: Click or tap here to enter text.

Budget Request Description: State Beaches and Parks Smoking Ban (SB 8)

Budget Request Summary: The Department of Parks and Recreation (Department) requests \$2,048,000 General Fund one-time in fiscal year 2020-21 to create, replace, or upgrade signage with language depicting a smoking prohibition in state beaches or in a unit of the state parks system as required by Chapter 761, Statutes of 2019 (SB 8).

Requires Legislation: Yes No

Code Section(s) to be Added/Amended/Repealed: Click or tap here to enter text.

Does this BCP contain information technology (IT) components? Yes No

If yes, departmental Chief Information Officer must sign.

Department CIO Name: Click or tap here to enter text.

Department CIO Signature:

Signed On Date: Click or tap here to enter text.

For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.

Project Number: Click or tap here to enter text.

Project Approval Document: Click or tap here to enter text.

Approval Date: Click or tap here to enter text.

If proposal affects another department, does other department concur with proposal?

Yes No

Attach comments of affected department, signed and dated by the department director or designee.

Prepared By: Wendy Nodohara

Date: Click or tap here to enter text.

Reviewed By: Crystal Flores

Date: Click or tap here to enter text.

Department Director: Will Schaafsma

Date: Click or tap here to enter text.

Agency Secretary: Bryan Cash

Date: Click or tap here to enter text.

Department of Finance Use Only

Additional Reviews: Capital Outlay: ITCU: FSCU: OSAE:

Department of Technology:

PPBA: Andrea Scharffer

Date submitted to the Legislature: January 10, 2020

A. Budget Request Summary

Per Senate Bill 8 the Department of Parks and Recreation requests \$2,048,000 General Fund in 2020-21 to create, replace, or upgrade signage with language depicting a smoking prohibition in state beaches or in a unit of the state parks system, excluding paved roads and parking facilities, and requiring the disposal of cigarette or cigar waste in appropriate waste receptacles.

B. Background/History

SB 8 protects the public, state lands, and wildlife from the dangers of cigarette litter and secondhand smoke by banning smoking in all state parks and beaches, excluding paved roads and parking facilities, and requires proper disposal of cigarette and cigar waste. Smoking is defined in SB 8 as “inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form.”

Cigarette waste is detrimental to California’s beaches and parks. According to data compiled by the Ocean Conservancy, cigarette litter is the most commonly found waste item on beaches. In 2015, over 2,000,000 pieces of cigarette litter was found on United States beaches. These cigarettes are non-biodegradable and contain over 160 toxic chemicals. The discarded cigarette debris has been found in the stomachs of birds, fish, and other marine animals. This consumption of toxic cigarette litter poses a serious threat to the future of marine wildlife and aquatic ecosystems. Additionally, cigarettes or cigars are one of the primary causes of wildland fires within the United States. Over sixty million people visit California’s parks each year putting the parks at a much higher fire risk than other less frequented natural destinations.

Currently, the Department prohibits smoking under certain conditions, such as around state facilities, specific guided walks and activities, and where threats of high fire danger are present. Under existing law, smoking is prohibited inside of a public building, in a state-owned vehicle, or in an outdoor area within twenty feet of a main entrance, exit, or window. Additionally, under state law, there is no prohibition against smoking in an outdoor area of a public building unless otherwise prohibited by state law or local ordinance, and signs describing the prohibition are posted. SB 8 states that the ban on smoking shall be enforced only after the signs have been properly posted by the Department.

The Department has two classifications of peace officer staff: rangers and lifeguards. Rangers and lifeguards are the only staff that could enforce the smoking ban by issuing citations to individuals not adhering to the ban. State park rangers and lifeguards are responsible for law enforcement and public safety throughout the state parks system as well as ensuring individuals in and near the ocean are safe.

This bill would provide three exemptions from the ban: 1) through Director’s posted order; 2) movies, television, or audiovisual projects with a valid California Film Commission permit when the film set is closed to the public, and all cigarette waste is immediately removed; and 3) ceremonial purposes or religious beliefs.

C. State Level Considerations

The State of California Legislature recognized, with the passage of SB 8, that preventing smoking and littering in state parks and beaches is paramount for the future sustainability of California's state parks. Through prohibiting smoking except in specified areas, the Department is able to enhance visitor experience, decrease potential health risks due to the lack of secondhand smoke, deliver opportunities for higher quality recreation, and protect and preserve California's natural resources.

D. Justification

The passage of SB 8 requires the Department to ban smoking once all appropriate signs have been properly posted. The addition of language and signage depicting smoking prohibition would need to be posted at strategic locations as determined by the Department's Director. The Department estimates the following costs for the additional signage in the state parks system, including California Environmental Quality Act (CEQA) and the California State Coastal Commission permits.

In order to implement the smoking ban required by this bill, the Department would be required to post "no smoking" signs throughout the State Park System prior to enforcement. Citations of up to \$25, issued by the Department, would not result in any revenue returning to the Department to offset the costs of signage, as statute requires fines to be remitted to the county where the citation is issued. The costs associated with implementing this smoking ban cannot be accomplished within existing resources.

| Total State Parks System - 280 Park Units | Units | Cost |
|--|----------------|--------------------|
| Cost Per Sign | Total Number | Total |
| \$200 | 5,600 signs | \$1,120,000 |
| \$2,500 (CEQA) | 280 park units | \$700,000 |
| \$2,000 (Coastal Commission) | 114 park units | \$228,000 |
| Total Cost | | \$2,048,000 |

E. Outcomes and Accountability

SB 8 requires the Department to regulate this prohibition in a manner that conserves the scenery, natural and historic resources, and wildlife in the individual units of the system for the enjoyment of future generations.

By effectively and proactively regulating the ban on smoking, the Department will help reduce a substantial amount of cigarette waste known to occur across state park units. By eradicating this harmful toxic litter, the Department will protect and preserve wildlife and related ecosystems. In addition to removing harmful litter from California's state parks, the Department will also take a significant stance in reducing the risk of dangerous fires due to smoking. The Department's

implementation of the smoking ban will conserve and uphold the wildlife and natural resources, plus ensure the safety and continued occurrence of future generations of visitors.

F. Analysis of All Feasible Alternatives

Alternative 1: Approve one-time funding of \$2,048,000 in fiscal year 2020-21 from the General Fund to comply with the signage requirements set forth in SB 8.

Alternative 2: Approve partial funding in fiscal year 2020-21 from the General Fund. This alternative would not provide adequate funds to comply with the signage requirement and the Department would not be able to fully meet the requirements of SB 8.

Alternative 3: Deny this proposal. The Department does not have adequate existing resources to comply with the signage requirements. Denial of this request will not allow the Department to meet the requirements of SB 8.

G. Implementation Plan

To ensure proper implementation, the effective date will need to be July 1, 2020. The Department will need to purchase new signage and install the upgraded signs within the pinpointed locations. Additionally, the Department will comply with the necessary CEQA compliance requests and reviews regarding the newly installed signage and State Coastal Commission permits.

H. Supplemental Information

Describe special resources and provide details to support costs including appropriate back up.

N/A

I. Recommendation

Alternative 1: Approve one-time funding of \$2,048,000 General Fund in 2020-21 to comply with the signage requirements set forth in SB 8.

BCP Fiscal Detail Sheet

BCP Title: State Beaches and Parks Smoking Ban (SB 8)

BR Name: 3790-070-BCP-2020-GB

Budget Request Summary

Operating Expenses and Equipment

| Operating Expenses and Equipment | FY20 Current Year | FY20 Budget Year | FY20 BY+1 | FY20 BY+2 | FY20 BY+3 | FY20 BY+4 |
|---|-------------------------|------------------------|--------------|--------------|--------------|--------------|
| 539X - Other | 0 | 2,048 | 0 | 0 | 0 | 0 |
| Total Operating Expenses and Equipment | \$0 | \$2,048 | \$0 | \$0 | \$0 | \$0 |

Total Budget Request

| Total Budget Request | FY20 Current Year | FY20 Budget Year | FY20 BY+1 | FY20 BY+2 | FY20 BY+3 | FY20 BY+4 |
|-----------------------------|-------------------------|------------------------|--------------|--------------|--------------|--------------|
| Total Budget Request | \$0 | \$2,048 | \$0 | \$0 | \$0 | \$0 |

Fund Summary

Fund Source

| Fund Source | FY20 Current Year | FY20 Budget Year | FY20 BY+1 | FY20 BY+2 | FY20 BY+3 | FY20 BY+4 |
|--|-------------------------|------------------------|--------------|--------------|--------------|--------------|
| State Operations - 0001 - General Fund | 0 | 2,048 | 0 | 0 | 0 | 0 |
| Total State Operations Expenditures | \$0 | \$2,048 | \$0 | \$0 | \$0 | \$0 |
| Total All Funds | \$0 | \$2,048 | \$0 | \$0 | \$0 | \$0 |

Program Summary

Program Funding

| Program Funding | FY20 Current Year | FY20 Budget Year | FY20 BY+1 | FY20 BY+2 | FY20 BY+3 | FY20 BY+4 |
|--|-------------------------|------------------------|--------------|--------------|--------------|--------------|
| 2840 - Support of the Department of Parks and Recreation | 0 | 2,048 | 0 | 0 | 0 | 0 |
| Total All Programs | \$0 | \$2,048 | \$0 | \$0 | \$0 | \$0 |