

Assembly Bill No. 2631

Passed the Assembly August 15, 2002

Chief Clerk of the Assembly

Passed the Senate August 12, 2002

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2002, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Section 10359 of the Public Contract Code, and to amend Sections 4612, 5001.6, 5005.6, 14315, 14316, and 14403 of, and to repeal Sections 5056, 5080.55, 5825, and 14314 of, the Public Resources Code, relating to resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2631, Matthews. Resources.

(1) Existing law requires each state agency to prepare an annual report containing information regarding consulting service contracts entered into during the previous fiscal year. Existing law requires state agencies to submit the report to specified entities within 30 working days after the end of the previous fiscal year. Existing law further requires the Department of General Services, 60 days after the close of the fiscal year, to furnish to those entities a list of the agencies that have not submitted the required report.

This bill would require state agencies to submit the report within 60 working days after the end of the previous fiscal year and would require the Department of General Services to furnish a list of the agencies that have not submitted the required report within 120 working days after the close of the fiscal year. This bill would additionally require the Department of General Services to annually submit to specified entities a report describing the information furnished pursuant to the provisions described above.

(2) Existing law requires the Director of Forestry and Fire Protection to report to the State Board of Forestry and Fire Protection and the Legislature by January 1 of each year regarding the enforcement of, and the penalties and fines collected pursuant to, various statutes.

This bill would require the report by January 15 of each year.

(3) Existing law provides for the establishment of state seashores within the state park system. Existing law requires the Department of Parks and Recreation to recommend to the Governor and the Legislature for inclusion in the annual Budget Bill land acquisitions for the establishment of additional state seashores or as additions to existing state seashores.

This bill would delete the latter requirement.



(4) Existing law grants the Department of Parks and Recreation exclusive jurisdiction with respect to property salvage and recovery operations in and upon lands of the state park system. Existing law requires the department to file an annual report with the Legislature, as prescribed, on any operations that have been undertaken during the previous year, the results of those operations, the permits that are pending and under consideration, and the extent of the public interest in those operations.

This bill would delete the latter requirement.

(5) Existing law authorizes the Department of Parks and Recreation to provide hostel facilities in state park system units, as specified, and to acquire land for, develop, and maintain recreational trails to and between units.

Existing law required the Department of Parks and Recreation to submit to the Legislature by February 1, 1975, a preliminary plan for the development of hostel facilities and the establishment of recreational trails. Existing law authorizes the Legislature to comment on the submitted plan by concurrent resolution.

This bill would delete the latter provisions.

(6) Existing law authorizes the Director of Parks and Recreation to contract for the construction for the preservation and restoration of the Leland Stanford Mansion State Historical Park and related facilities using a design-build process and requires the director to submit a related report to the Joint Legislative Budget Committee, as specified.

This bill would delete the latter requirement.

(7) Existing law requires the Department of Parks and Recreation to submit a plan to the Legislature by January 15, 1977, for the protection and management of the Mendocino Woodlands Outdoor Center.

This bill would delete that obsolete provision.

(8) Existing law requires that on and after July 1, 1994, the California Conservation Corps be designated a performance budget department, as specified. Existing law additionally contains a request by the Legislature that the Governor issue an Executive Order establishing performance goals for the corps, as specified.

This bill would delete those provisions.



(9) Existing law establishes the Collins-Dugan California Conservation Corps Reimbursement Account and authorizes the Department of Finance to loan money to the fund, as specified.

This bill would make a technical nonsubstantive change to those provisions.

(10) Existing law requires the California Conservation Corps to cooperate with, and seek the cooperation of the Private Industry Council of the local service delivery area, as specified, to secure employment and training services for corpsmembers. Existing law authorizes those employment and training services to include those provided under the federal Job Training Partnership Act.

This bill would instead require the California Conservation Corps to cooperate with, and seek the cooperation of, state and local workforce investment boards and youth councils designated pursuant to the federal Workforce Investment Act.

The people of the State of California do enact as follows:

SECTION 1. Section 10359 of the Public Contract Code is amended to read:

10359. (a) Each state agency shall annually prepare a report pursuant to this section that includes a list of the consulting services contracts that it has entered into during the previous fiscal year. The listing shall include the following information:

(1) The name and identification of each contractor.

(2) The type of bidding entered into, the number of bidders, whether the low bidder was accepted, and if the low bidder was not accepted, an explanation of why another contractor was selected.

(3) The amount of the contract price.

(4) Whether the contract was a sole-source contract, and why the contract was a sole-source contract.

(5) Justification for entering into each consulting services contract.

(6) The purpose of the contract and the potential beneficiaries.

(7) The date when the initial contract was signed, and the date when the work began and was completed.

The report shall also include a separate listing of consultant contracts completed during that fiscal year, with the same information as above.



(b) The report this section requires shall also include a list of any contracts underway during that fiscal year on which any change was made regarding the following:

(1) The completion date of the contract.

(2) The amount of money to be received by the contractor, if it exceeds 3 percent of the original contract price.

(3) The purpose of the contract or duties of the contractor. A brief explanation shall be given if the change in purpose is significant.

(c) Copies of the annual report shall be sent within 60 working days after the end of the previous fiscal year to the Legislative Analyst, the Department of Finance, the Department of General Services, the Auditor General, the Joint Legislative Budget Committee, the Senate Appropriations Committee, and the Assembly Appropriations Committee.

(d) State agencies may not use the temporary budget allocation process as a means of circumventing the requirements of this section.

(e) Within one hundred twenty working days after the close of the fiscal year, the department shall furnish to the officials and committees listed in subdivision (c), a list of the departments and agencies that have not submitted the required report specified in this section.

(f) The department shall annually submit to the Legislature, the Legislative Analyst, the Department of Finance, and the Auditor General, a report describing the information furnished to the department pursuant to this section.

SEC. 2. Section 4612 of the Public Resources Code is amended to read:

4612. The director shall report to the board and the Legislature by January 15 of each year on the enforcement of, and the amount of penalties and fines imposed and collected pursuant to, this article, including, but not limited to, those penalties and fines imposed and collected pursuant to Sections 4601, 4601.1, and 4601.5. The report shall specifically identify the location and ownership of all properties where persons were cited for violations requiring corrective action by the department pursuant to Section 4607, the nature and cost of the corrective actions, and whether all related expenses incurred by the state have been reimbursed by the responsible party.



SEC. 3. Section 5001.6 of the Public Resources Code is amended to read:

5001.6. (a) Notwithstanding Section 5001.95, units of the state park system may be located within, and be a part of, a state seashore. However, the unit shall be managed in accordance with its classification as provided in Section 5019.62.

(b) The following state seashores are hereby established consisting of appropriate coastal lands described in this subdivision together with any other lands that may, from time to time, be acquired by the state as an addition to these state seashores:

(1) Del Norte State Seashore, consisting of lands lying between Pyramid Point and Point Saint George, particularly lands to assure public access to, and scenic protection of, Pyramid Point; beach and dune lands, water-bottom and shoreline lands at Lake Earl, including Lake Talawa, all within Del Norte County.

(2) Clem Miller State Seashore, consisting of lands extending from the mouth of the Eel River to Pudding Creek at Fort Bragg, and including lands at Bear Harbor, Usal Creek, Cottoneva Creek, shore and upland additions to Westport-Union Landing State Beach, DeHaven Creek uplands, Ten Mile River estuary, and MacKerricher State Park, all within Humboldt and Mendocino Counties.

(3) Mendocino Coast State Seashore, consisting of lands extending from Jughandle Creek to the Gualala River, and including the Pygmy Forest Ecological Staircase, Russian Gulch State Park, Mendocino Headlands State Park, Van Damme State Park, Greenwood Creek Beach, Bowling Ball Beach and the Gualala River shoreline and estuary, all within Mendocino County.

(4) Sonoma Coast State Seashore, consisting of lands extending from the Gualala River to Bodega Head, and including the Kruse Rhododendron State Reserve, Salt Point State Park, Fort Ross State Historic Park, and Sonoma Coast State Beach, all within Sonoma County.

(5) Año Nuevo State Seashore, consisting of lands extending from Pillar Point to the City of Santa Cruz, and including the San Mateo Coast State Beaches, Año Nuevo State Reserve, Big Basin Redwoods State Park, and Natural Bridges State Beach, all within San Mateo and Santa Cruz Counties.



(6) (A) Monterey Bay State Seashore, consisting of lands extending from Natural Bridges State Beach south to Point Joe, including Lighthouse Fields, Twin Lakes, New Brighton State Beach, Seacliff, Manresa, Sunset, Zmudowski, Moss Landing, Salinas River, Marina, Monterey, and Asilomar, all within Santa Cruz and Monterey Counties.

(B) The department may establish a recreational trail system within the boundaries of the Monterey Bay State Seashore that is to be dedicated as the Sam Farr Recreational Trail System.

(7) San Luis Obispo State Seashore, consisting of lands extending from Cayucos to Lion's Head and including Cayucos State Beach, Morro Strand State Beach, Atascadero State Beach, Morro Bay State Park, Montana de Oro State Park, Avila State Beach, Pismo State Beach, Pismo Dunes State Vehicular Recreation Area and Point Sal State Beach, all within San Luis Obispo and Santa Barbara Counties.

(8) Santa Barbara Coast State Seashore, consisting of lands extending from Gaviota to Las Llagas Canyon, and including Gaviota State Park, Refugio State Beach, and El Capitan State Beach, all within Santa Barbara County.

(9) Point Mugu State Seashore, consisting of lands extending from Ormond Beach to San Nicholas Canyon, and including Mugu Lagoon, Point Mugu State Park, and Leo Carrillo State Beach, all within Ventura and Los Angeles Counties.

(10) Capistrano Coast State Seashore, consisting of lands extending from Newport Beach to San Mateo Point, and including Corona Del Mar State Beach, Irvine Coast, Doheny State Beach, and San Clemente State Beach, all within Orange County.

(11) (A) San Diego Coast State Seashore, consisting of lands extending from San Onofre State Beach to La Jolla, and including San Onofre State Beach, Carlsbad State Beach, Robert C. Frazee State Beach, South Carlsbad State Beach, Leucadia State Beach, Moonlight State Beach, San Elijo State Beach, Cardiff State Beach, Torrey Pines State Beach, and Torrey Pines State Reserve, all within San Diego County.

(B) That section of Carlsbad State Beach within the San Diego Coast State Seashore that is located north of Agua-Hedionda Lagoon is hereby renamed Robert C. Frazee State Beach.

(c) The department shall determine the precise boundaries of each state seashore, may revise those boundaries from time to



time, and shall identify additional lands appropriate for inclusion in state seashores.

(d) Section 5019.62 does not apply to lands lying within the boundaries of state seashores established pursuant to this section until those lands have been acquired by the state and designated as state park system lands that are a part of a state seashore.

SEC. 4. Section 5005.6 of the Public Resources Code is amended to read:

5005.6. The department has exclusive jurisdiction with respect to property salvage and recovery operations in and upon the lands of the state park system. The department may grant the privilege of conducting salvage and recovery operations in and upon those lands by the issuance of permits. The director may adopt rules and regulations in connection with applications for the permits and the operations to be conducted thereunder, as he or she deems necessary to protect the state park system and the interests of the public in the recovered property. The regulations may include, but may not be limited to, regulations on the percentage of recovered property to be retained by the state, authorization for retention by the state of any items of historical, cultural, or other value, authorized methods, and recordkeeping requirements for conduct of salvage operations.

The terms and conditions of any permit issued pursuant to this section shall be subject to the approval of the Director of Finance.

SEC. 5. Section 5056 of the Public Resources Code is repealed.

SEC. 6. Section 5080.55 of the Public Resources Code is repealed.

SEC. 7. Section 5825 of the Public Resources Code is repealed.

SEC. 8. Section 14314 of the Public Resources Code is repealed.

SEC. 9. Section 14315 of the Public Resources Code is amended to read:

14315. (a) Subject to the availability of assistance from the corps, a state agency that is considering the use of contracted labor shall give priority to the corps when the mission of the corps and the nature of the state agency's project are substantially consistent.

(b) State agencies shall notify the corps of potential contracts for services that fit within the parameters of the legislative intent



set forth in Section 14000 and shall use the corps to the maximum extent feasible to carry out projects that promote the legislative intent as set forth in Section 14000. Because of the corps' commitment to the state's youth, in the exercise of a state agency's discretion when considering contracts for services, strong consideration shall be given to the use of corpsmembers over the use of other contracted labor.

(c) The corps may contract with any state agency for the performance of activities consistent with this division.

(d) Upon appropriation by the Legislature and execution of a contract pursuant to subdivision (b), the Controller may transfer money to the Collins-Dugan California Conservation Corps Reimbursement Account from other funds under the control of the contracting state agency, including, but not limited to, the following funds and accounts:

- (1) Hazardous Waste Control Account in the General Fund.
- (2) State Highway Account in the State Transportation Fund.
- (3) Transportation Planning and Development Account in the State Transportation Fund.
- (4) California Environmental License Plate Fund.
- (5) Fish and Game Preservation Fund.
- (6) Public Resources Account in the Cigarette and Tobacco Products Surtax Fund.
- (7) Unallocated Account in the Cigarette and Tobacco Products Surtax Fund.
- (8) Habitat Conservation Fund.
- (9) Motor Vehicle Fuel Account in the Transportation Tax Fund pursuant to Section 8352.6 of the Revenue and Taxation Code (OMV Fund).
- (10) Oil Spill Prevention and Administration Fund.
- (11) Integrated Waste Management Account in the Integrated Waste Management Fund.
- (12) State Parks and Recreation Fund.
- (13) Solid Waste Disposal Site Cleanup and Maintenance Account in the General Fund.
- (14) Employment Training Fund.
- (15) Harbors and Watercraft Revolving Fund.
- (16) California Beverage Container Recycling Fund.

(e) Expenditures from the Collins-Dugan California Conservation Corps Reimbursement Account of amounts



transferred pursuant to subdivision (d) shall be limited to purposes that are consistent with the requirements of each fund or account contributing each amount to the Collins-Dugan California Conservation Corps Reimbursement Account.

SEC. 10. Section 14316 of the Public Resources Code is amended to read:

14316. The Department of Finance may make a loan from the General Fund to the Collins-Dugan California Conservation Corps Reimbursement Account, in an amount not to exceed a cumulative total of one million five hundred thousand dollars (\$1,500,000) to meet cashflow needs due to delays in collecting reimbursements. Any loan made by the Department of Finance pursuant to this section shall only be made if the corps has a valid contract or certification signed by a client agency that demonstrates that sufficient funds will be available to repay the loan. All money so transferred shall be repaid to the General Fund as soon as possible, but not later than one year from the date of the loan, with interest at the average rate earned by the Surplus Money Investment Fund.

SEC. 11. Section 14403 of the Public Resources Code is amended to read:

14403. (a) The corps shall cooperate with, and seek the cooperation of state and local workforce investment boards and youth councils, designated pursuant to the federal Workforce Investment Act (29 U.S.C. Sec. 2801 et seq.) to secure employment and training services for corpsmembers.

(b) These employment and training services may include job search assistance, skills training, transitional employment, or any other services provided under the federal Workforce Investment Act that would lead to employment for the corpsmember.

(c) Employment and training services may be provided to corpsmembers as a component of their work with the corps or upon their termination from the corps.



Approved _____, 2002

Governor

