

Introduced by Senator Dutton

January 28, 2008

An act to amend Section 513 of the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 1127, as introduced, Dutton. State parks: cooperating associations. Existing law establishes, within the Resources Agency, the Department of Parks and Recreation, which administers the state park system within the state.

Existing law authorizes the department, as a means of furthering the interpretive and educational functions of the state park system, to enter into agreements to act cooperatively with private nonprofit scientific or historical associations engaged in educational or interpretive work in state park system units.

This bill, instead, would authorize the department to enter into agreements with nonprofit cooperating associations, as defined, for specified purposes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 513 of the Public Resources Code is
2 amended to read:
3 513. (a) The department, as a means of furthering the
4 interpretive and educational functions of the state park system,
5 may enter into ~~agreements~~ *an agreement* to act cooperatively with
6 ~~such private a nonprofit scientific or historical associations~~

1 *cooperating association* engaged in educational or interpretive
2 work in a state park system ~~units~~ *unit*, as the director may
3 designate, whereby the *cooperating* association would furnish
4 educational ~~or~~ *and* interpretive materials, *or educational and*
5 *interpretive services, or both*, for sale ~~and the department would~~
6 ~~provide the services of department personnel and space for the~~
7 ~~materials at state park system unit visitor information facilities.~~
8 ~~Subject to such rules and regulations as the director shall~~
9 ~~promulgate, all moneys received from the sale of publications or~~
10 ~~other materials provided by an association shall be returned to the~~
11 ~~association for use in the interpretive or educational programs of~~
12 ~~the state park system unit or units which the association has been~~
13 ~~designated to serve to the public.~~

14 (b) Pursuant to Article 1 (commencing with Section 5080.02)
15 of Chapter 1.2 of Division 5, a concession may provide materials
16 and services that are intended to add to the convenience,
17 enjoyment, and safety of state park system visitors. A concession
18 may also provide, pursuant to this section, educational and
19 interpretive materials and services, as described in paragraphs
20 (2) and (3) of subdivision (d), with the approval of the department.

21 (c) A *cooperating association* may provide, pursuant to this
22 section, noneducational and noninterpretive materials and services,
23 as described in paragraph (4) of subdivision (d), as part of its
24 *cooperating association* program with the approval of the
25 department, if the department is unable to obtain, through a good
26 faith effort, a concessionaire to provide those materials and
27 services.

28 (d) For purposes of this section, the following definitions apply:

29 (1) “*Cooperating association*” means a corporation that meets
30 all of the following criteria:

31 (A) The corporation is a nonprofit public benefit corporation,
32 organized pursuant to Part 2 (commencing with Section 5110) of
33 Division 2 of Title 1 of the Corporations Code.

34 (B) The articles of incorporation of the corporation state that
35 the specific purpose of the corporation is to provide support for
36 educational and interpretive programs of the state park system,
37 or portions thereof.

38 (C) The corporation has a *cooperating association* program
39 contract with the department.

1 (D) *The corporation is in compliance with the department’s*
2 *policies and guidelines regarding cooperating associations and*
3 *has obtained the department’s approval for its educational and*
4 *interpretive materials and services.*

5 (2) *“Educational and interpretive materials” include items that*
6 *promote visitor appreciation, understanding, and knowledge of*
7 *natural, cultural, and historic resources of the state park system,*
8 *including educational and interpretive gifts and souvenirs.*

9 (3) *“Educational and interpretive services” include those*
10 *activities and programs that focus on natural, cultural, and historic*
11 *resources of the state park system and are not generally offered*
12 *by the department.*

13 (4) *“Educational and interpretive materials and services” do*
14 *not include lodging, food service, horse and equipment rentals,*
15 *camping supplies, gifts and souvenirs, other than those described*
16 *in paragraph (2), transportation, except for equipment owned by*
17 *the department, recreational lessons, and the operation of*
18 *specialized facilities within a state park unit such as the theater*
19 *at Hearst San Simeon State Historic Monument and Old Town San*
20 *Diego State Historic Park, golf courses, and marinas.*

21 (e) *The department, at its discretion, may provide the services*
22 *of department personnel and shall provide space, if available, for*
23 *the sale of cooperating association materials, services, or both,*
24 *within a state park unit.*

25 (f) *Subject to rules and regulations that the director shall adopt,*
26 *all moneys collected by the cooperating association or received*
27 *by the department from the sale of cooperating association*
28 *materials, services, or both, provided by a cooperating association*
29 *shall be retained by or returned to the cooperating association for*
30 *use in the interpretive and educational programs of the state park*
31 *system unit that the cooperating association has been designated*
32 *to serve.*