

AMENDED IN ASSEMBLY MARCH 17, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 42

Introduced by Assembly Member Huffman

December 6, 2010

An act to add Section 5080.42 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 42, as amended, Huffman. State parks.

Existing law gives control of the state park system to the Department of Parks and Recreation. Existing law authorizes the department to enter into agreements with an agency of the United States, a city, county, district, or other public agency or any combination thereof, for the care maintenance, administration, and control by a party to the agreement of lands under the jurisdiction of a party to the agreement, for the purpose of the state park system.

This bill would authorize the department to enter into an operating agreement for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units of the state park system, as identified by the director, with a qualified nonprofit organization that exists to provide visitor services in state parks, facilitate public access to park resources, improve park facilities, or provide interpretive and educational services. This bill would require the operating agreement to include a requirement that the nonprofit organization annually submit a report to the department. The bill would require the nonprofit organization and the district superintendent for the department to hold a joint public meeting for discussion of the report.

The bill would require the department to notify a Member of the Legislature of an intention to enter into an operating agreement relating to a park in the member’s district. The bill would also require the department to report to the Legislature, on a biennial basis, the status of any operating agreement.

~~This bill would declare the intent of the Legislature to address the need to fully fund the state park system with stable, reliable, and adequate funding sources.~~

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The California state park system is a unique resource that
- 4 requires preservation and protection for future generations.
- 5 (b) California’s state park system is the largest in the nation and
- 6 contains over 1.5 million acres of land managed for natural,
- 7 cultural, and historical values in 278 parks across the state.
- 8 (c) California’s state park system hosts more than 80 million
- 9 visitors annually and houses over 3,100 historic buildings and
- 10 more than 14,000 individual and group campsites.
- 11 (d) California’s state park system is a major draw for tourism
- 12 in the state and generates over \$4 billion annually in economic
- 13 activity in communities near state parks and in park-related
- 14 expenditures.
- 15 (e) The budget for the state park system has not kept pace with
- 16 the state’s population growth and growing demand. The annual
- 17 budget for state parks has been significantly below the amount
- 18 necessary to maintain the parks in their current condition. The
- 19 ongoing shortfall has caused a burgeoning backlog of deferred
- 20 maintenance of over \$1.3 billion in 2010, inadequate staff to protect
- 21 park resources and maintain public access and safety, and partial
- 22 closures of many state parks.
- 23 (f) *Current budget resources will force the closure of state parks*
- 24 *throughout the system and create impediments to public access*
- 25 *and enjoyment of those parks.*
- 26 (f)

1 (g) Californians deserve a world-class state park system that
2 will preserve and protect the unique resources of the state for future
3 generations. *In order to safeguard those resources and maintain*
4 *public access, California's state park system must have stable,*
5 *reliable, and adequate funding sources to fully fund and support*
6 *our state parks.*

7 ~~(g) It is the intent of the Legislature to enact legislation to~~
8 ~~address the need to fully fund the state park system with stable,~~
9 ~~reliable, and adequate funding sources.~~

10 (h) *As the search for stable funding sources continues in this*
11 *current budget crisis, it is critical that all efforts be made to*
12 *continue public access to state parks and to keep our parks open.*
13 *Nonprofit organizations can be important partners in meeting*
14 *those objectives, and where possible, they should be invited to*
15 *assist the state with operating parks in order to keep them open.*

16 SEC. 2. *Section 5080.42 is added to the Public Resources Code,*
17 *to read:*

18 5080.42. (a) *Notwithstanding any other provision of this*
19 *article, the department may enter into an operating agreement for*
20 *the development, improvement, restoration, care, maintenance,*
21 *administration, or operation of a unit or units of the state park*
22 *system, as identified by the director, with a qualified nonprofit*
23 *organization that exists to provide visitor services in state parks,*
24 *facilitate public access to park resources, improve park facilities,*
25 *or provide interpretive and educational services. The operating*
26 *agreement shall include, but is not limited to, the following:*

27 (1) *The district superintendent for the department shall provide*
28 *liaison with the department, the nonprofit organization, and the*
29 *public.*

30 (2) *The nonprofit organization shall annually submit a written*
31 *report to the department regarding its operating activities during*
32 *the prior year and shall make copies of the report available to the*
33 *public upon request. The report shall include a full accounting of*
34 *all revenues and expenditures for each unit of the state park system*
35 *that the nonprofit organization operates pursuant to an operating*
36 *agreement.*

37 (3) *All revenues received from a unit shall be expended only*
38 *for the care, maintenance, operation, administration, improvement,*
39 *or development of the unit. The qualified nonprofit organization*
40 *may additionally contribute in-kind services and funds raised from*

1 *outside entities for the care, maintenance, operation,*
2 *administration, improvement, or development of the unit.*

3 *(b) The nonprofit organization and the district superintendent*
4 *for the department shall, following submittal of the annual report*
5 *pursuant to subdivision (a), hold a joint public meeting for*
6 *discussion of the report.*

7 *(c) If the department intends to enter into an operating*
8 *agreement for a unit, the department shall notify the Member of*
9 *the Legislature in whose district the unit is located of that intention.*

10 *(d) (1) Notwithstanding Section 10231.5 of the Government*
11 *Code, the department shall provide a report to the Legislature, on*
12 *a biennial basis, of the status of operating agreements it has*
13 *entered into pursuant to this section. The report shall include a*
14 *list of units of the state park system with operating agreements,*
15 *discussion of the management and operations of each unit subject*
16 *to an operating agreement, an accounting of the revenues and*
17 *expenditures incurred under each operating agreement, and an*
18 *assessment of the benefit to the state from operating agreements*
19 *entered into pursuant to this section.*

20 *(2) A report submitted pursuant to paragraph (1) shall be*
21 *submitted in compliance with Section 9795 of the Government*
22 *Code.*