

ASSEMBLY BILL

No. 1589

**Introduced by Assembly Members Huffman, Chesbro, and
Dickinson
(Coauthors: Assembly Members Blumenfield, Gordon, Hill, and
Monning)**

February 6, 2012

An act to amend Sections 5007 and 5080.42 of, and to add Article 1.8 (commencing with Section 5019.90) to Chapter 1 of Division 5 of, the Public Resources Code, to add Section 17137 to, and to add Article 13.7 (commencing with Section 18845) to Chapter 3 of Part 10.2 of, the Revenue and Taxation Code, and to amend Section 5155 of, and to add Section 5161 to, the Vehicle Code, relating to state parks, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1589, as introduced, Huffman. State parks: sustainability and protection.

(1) Existing law vests with the Department of Parks and Recreation control of the state park system. Existing law requires the department to achieve any required budget reductions, as defined, by closing, partially closing, and reducing services at selected units of the state park system, based on specified factors.

This bill would, instead, authorize the department to achieve any required budget reductions by implementing efficiencies, increasing revenue collection, and closing, partially closing, or reducing services at selected units of the state park system, but would limit to 25 state park units the number of units of the state park system subject to full park closure during the 2012 to 2016, inclusive, calendar years, except

as provided. The bill would revise the factors the department is required to use as a basis for determining which units of the state park system are to be closed, and would require the department to document and publicly disclose the methodology, rationale, and scoring system used to evaluate and select parks designated for closure.

This bill would enact the California State Park Stewardship Act of 2012, which would require the department to develop and implement a prioritized action plan to increase revenues and the collection of user fees at state parks. The bill would require the department to report to the Legislature and the Governor on the prioritized action plan by January 1, 2013.

The bill would create the California State Park Enterprise Fund in the State Treasury, and would require that moneys in the fund be held in trust and only expended for specified purposes relating to (a) the capital costs of construction and installation of new revenue and fee collection equipment and technologies, (b) other costs of restoration and rehabilitation of the state park system, as prescribed by the act, and (c) for costs to the department to develop and implement the prioritized action plan. The bill would require that the sum of \$25 million dollars be transferred from the unexpended balance of bond funds made available to the department under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, and be deposited into the fund, and expended, upon appropriation by the Legislature, for the purposes of the bill.

(2) Provisions relating to the administration of personal income taxes allow individual taxpayers to contribute amounts in excess of their tax liability for the support of specified funds to be used for specified purposes.

This bill would allow taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the California State Parks Protection Fund, which would be created by the bill, to be used for the purchase of an annual state park day use access pass, as specified, and, if the designation is in excess of the cost of a state park access pass, for purposes related to the protection and preservation of state parks. The bill would prescribe procedures for the purchase and issuance of those state park access passes.

The Personal Tax Law provides various exclusions from gross income that is subject to the tax imposed by that law.

This bill would provide under that law that gross income does not include any amounts voluntarily designated by an individual on the tax

return when the designation is to be used as a voluntary contribution on the tax return in an amount sufficient to cover the cost of an annual state park access pass, as determined by the Department of Parks and Recreation, as prescribed.

(3) Existing law authorizes the Department of Motor Vehicles to issue specialty license plates, including environmental license plates and specified special environmental design license plates. The department is required to charge specified fees for certain services related to the issuance of those plates.

This bill would additionally authorize the Department of Motor Vehicles, in consultation with the Department of Parks and Recreation, to design and make available for issuance pursuant to specified provisions special state parks environmental license plates bearing a full-plate graphic design depicting a significant natural feature or features of California’s state park system, as approved by the Department of Parks and Recreation, and upon payment by a person applying for the special state parks environmental design license plate of an additional fee.

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

Vote: 2/3. 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 5007 of the Public Resources Code is
2 amended to read:
3 5007. (a) The department shall achieve any required budget
4 reductions by *implementing efficiencies, increasing revenue*
5 *collection, and closing, partially closing, ~~and~~ or reducing services*
6 *at selected units of the state park system. However, it is the intent*
7 *of the Legislature that the department consider park closures only*
8 *as a last resort to address required budget reductions after all*
9 *other feasible alternatives, including, but not limited to, operating*
10 *agreements with qualified nonprofit entities and local governments*
11 *have been explored. The number of units of the state park system*
12 *subject to full park closure during the 2012 to 2016, inclusive,*
13 *calendar years shall not exceed 25 state park units, unless*
14 *expressly authorized pursuant to a statute enacted by the*
15 *Legislature on or after January 1, 2013. For purposes of this*

1 section, “required budget reductions” means the amount of funds
2 appropriated in the annual Budget Act to the department that is
3 less than the amount necessary to fully operate the 2010 level of
4 278 units of the state park system. The department shall *document*
5 *and publicly disclose the methodology, rationale, and scoring*
6 *system used to evaluate and select parks designated for closure,*
7 *and shall* select the units to be closed based solely on all of the
8 following factors:

9 (1) The relative statewide significance of each park unit,
10 preserving to the extent possible, parks identified in the
11 department’s documents including “Outstanding and
12 Representative Parks,” the “California State History Plan,” and
13 the “California State Parks Survey of 1928.”

14 (2) The rate of visitation to each unit, to minimize impacts to
15 visitation in the state park system. *Visitation shall be measured*
16 *not only based on the raw number of visitations to the unit, but on*
17 *the extent to which the total capacity of the unit is utilized.*

18 (3) (A) The estimated net savings from closing each unit, to
19 maximize savings to the state park system.

20 (B) For purposes of this subdivision, “net savings” means the
21 estimated costs of operation for the unit less the unit’s projected
22 revenues and less the costs of maintaining the unit after it is closed.

23 (4) The feasibility of physically closing each unit.

24 (5) The existence of, or potential for, partnerships that can help
25 support each unit, including ~~concessions and both for-profit and~~
26 ~~nonprofit partners~~ *public and nonprofit partners and concessions.*

27 (6) Significant operational efficiencies to be gained from closing
28 a unit based on its proximity to other closed units where the units
29 typically share staff and other operating resources, *except where*
30 *this would create a cluster of park closures that would have a*
31 *disproportionate impact on a local or regional economy.*

32 (7) Significant and costly infrastructure deficiencies affecting
33 key systems at each unit so that continued operation of the unit is
34 less cost effective relative to other units.

35 (8) Recent or funded infrastructure investments at a unit.

36 (9) Necessary but unfunded capital investments at a unit.

37 (10) Deed restrictions and grant requirements applicable to each
38 unit.

1 (11) The extent to which there are substantial dedicated funds
2 for the support of the unit that are not appropriated from the
3 General Fund.

4 (12) *The extent to which the closure of a unit would impact local
5 and regional economies, or disproportionately impact one region
6 of the state over another.*

7 (13) *The extent to which the closure of a unit would limit
8 availability of Americans with Disabilities Act of 1990 (ADA),
9 including changes made by the ADA Amendments Act of 2008
10 (Public Law 110-325), compliant facilities.*

11 (14) *The extent to which closure of a unit would impair
12 firefighter access to water resources or otherwise increase fire
13 risk.*

14 (15) *The extent to which closure of a unit would increase public
15 safety hazards or impair the state's ability to protect iconic natural
16 and historical resources.*

17 (b) Notwithstanding Division 3.6 (commencing with Section
18 810) of Title 1 of the Government Code, a public entity or a public
19 employee is not liable for injury or damage caused by a condition
20 of public property located in, or injury or damage otherwise
21 occurring in, or arising out of an activity in, a state park system
22 unit that is designated as closed by the department pursuant to
23 subdivision (a), except for conduct that constitutes gross negligence
24 or is wanton or reckless. This immunity shall apply notwithstanding
25 the fact that the public has access, whether invited or uninvited,
26 to the state park system unit, and notwithstanding that the
27 department may take actions such as patrols, inspections,
28 maintenance, and repairs necessary to protect the state park system
29 unit facilities and resources from deterioration, damage, or
30 destruction. This immunity shall apply only to units of the state
31 park system that are designated as closed pursuant to subdivision
32 (a) and shall not apply to units that are partially closed or subject
33 to service reductions but not closure. The closed units shall be
34 maintained in a list by the department and the list shall be made
35 publicly available and posted on the department's Internet Web
36 site. The list shall include the date the unit is considered closed.
37 The immunity provided by this subdivision does not limit any
38 other immunity or immunities available to a public entity or a
39 public employee. The governmental immunity provided in this
40 section does not apply to a third party or entity that has reopened

1 a park listed as closed pursuant to subdivision (a). The immunity
2 shall continue to apply to the state.

3 SEC. 2. Article 1.8 (commencing with Section 5019.90) is
4 added to Chapter 1 of Division 5 of the Public Resources Code,
5 to read:

6
7 Article 1.8. California State Park Stewardship Act of 2012

8
9 5019.90. This article shall be known, and may be cited, as the
10 California State Park Stewardship Act of 2012.

11 5019.91. The Legislature finds and declares all of the following:

12 (a) California State Parks are an essential part of California’s
13 unique heritage, and protect important natural, cultural, and
14 historical resources of great value to all Californians.

15 (b) The mission of the California State Park system is to provide
16 for the health, inspiration, and education of the people of California
17 by helping to preserve the state’s extraordinary biological diversity,
18 protecting its most valued natural and cultural resources, and
19 creating opportunities for high-quality outdoor recreation. State
20 parks are set aside to protect their natural, historical, cultural, and
21 recreational values in perpetuity for the people of the state.

22 (c) California state parks are vital to the quality of life in
23 California and are a major draw for tourism in the state, generating
24 billions of dollars in annual economic activity in communities near
25 state parks and in park-related expenditures. The economic activity
26 generated by state parks helps sustain small businesses and jobs
27 in local communities near state parks and generates significant tax
28 revenue for the state.

29 (d) The budget for state parks has not kept pace with population
30 growth and growing demand. The annual budget for state parks
31 has been significantly below the amount necessary to maintain
32 state parks in their current condition. State General Fund revenue
33 for state parks declined by over 37 percent between fiscal years
34 2007–08 and 2012–13, inclusive. The ongoing shortfall has resulted
35 in a deferred maintenance backlog of over one billion three hundred
36 million dollars (\$1,300,000,000) by 2010, inadequate staff to
37 protect park resources and maintain public access and safety, and
38 partial closures of many state parks. The state park system cannot
39 sustain further cuts in funding and remain viable.

1 (e) After additional budget cuts were proposed by the Governor
2 and approved by the Legislature in the 2011–12 fiscal year, the
3 Governor’s administration announced its intent to close up to 70
4 state parks by July 2012.

5 (f) It is imperative that the state commit to a long-term goal of
6 adequately and sustainably funding and maintaining California’s
7 state park system to protect these irreplaceable resources and to
8 preserve California’s legacy for the benefit of all Californians. To
9 this end, it is necessary that the state identify new revenue strategies
10 that will move the state toward that goal, and affirm a state policy
11 that park closures are to occur only as a last resort, and only after
12 all reasonable alternatives have been pursued.

13 (g) To fully realize the potential of nonprofit, philanthropic, and
14 other public and nongovernmental partnerships that can help sustain
15 a world class state park system in California, it is imperative that
16 the Legislature and the Governor form a compact to ensure an
17 adequate level of state funding for state parks is maintained in the
18 future and that new revenues received from private sector donors
19 are used to supplement, and not to supplant, existing state funding.

20 (h) It is therefore the intent of the Legislature to form a state
21 compact that will ensure the following:

22 (1) Commit the state to a long-term goal of adequately funding
23 and maintaining California’s state park system by, among other
24 things, identifying new revenues and fundraising strategies to
25 sustain state parks and ensuring that those new sources are not
26 used to supplant existing state support for state parks or to justify
27 further reductions in General Fund support that would leave the
28 park system unsustainable.

29 (2) Ensure that any new revenues received from private donors
30 for the support of state parks are used to supplement, and not to
31 supplant, existing state funding for state parks and are used only
32 for the purposes for which they are given.

33 (3) Commit the state to a goal of greater efficiency in the
34 management of state parks, including maximizing the collection
35 of fees and other revenue generating potential at state parks, while
36 maintaining public access for all Californians.

37 (4) Minimize the number of parks subject to closure and
38 encourage creative partnerships to assist the state with park
39 operations and management.

1 (i) It is further the intent of the Legislature to encourage
2 formation of a multidisciplinary advisory council, including, but
3 not limited to, members of the public, persons with park
4 management expertise, representatives of nonprofit park
5 organizations, and representatives of the private philanthropic
6 community, to conduct an independent assessment and make
7 recommendations to the Legislature and the Governor on future
8 management, planning, and funding proposals that will ensure the
9 long-term sustainability of the state park system.

10 5019.92. (a) The department shall develop and implement a
11 prioritized action plan to increase revenues and collection of user
12 fees at state parks. The plan shall include the implementation of
13 strategies for generating new revenues and fee collection
14 methodologies at state parks and shall include, but is not
15 necessarily limited to, all of the following:

16 (1) Installation of modern fee collection technologies and
17 equipment at state parks such as kiosks that accept credit cards
18 and automatic entrance gates, where appropriate.

19 (2) Implementation of peak demand pricing at popular
20 campgrounds and other high-demand park facilities.

21 (3) Assessment of appropriate fees at all state park units.

22 (4) Offering of additional mission-appropriate fee-for-service
23 amenities with revenue generating potential at select parks where
24 consistent with park unit general plans. Those amenities may
25 include, but are not limited to, installation of additional recreational
26 vehicle spaces to expand campground capacity at heavily used
27 parks where natural resource needs and space availability allow,
28 installation of upgraded overnight options such as cabins, where
29 feasible, and rental of park facilities for special events.

30 (5) Promotion and marketing of an “adopt a park” or systemwide
31 state park sponsorship program to encourage private donations in
32 support of state parks, with appropriate recognition to be given to
33 donors consistent with state park policies and mission.

34 (6) Design, promotion, and marketing of a new state park annual
35 access pass system with incentives to encourage increased
36 voluntary purchases of state park access passes, including, but not
37 necessarily limited to, all of the following:

38 (A) Offering of different regional and seasonal options for
39 annual passes.

1 (B) Providing multiple opportunities for the purchase of annual
2 passes, including at state park entrances and through partnerships
3 with retail outlets, and on state tax returns.

4 (C) Offering of incentives such as free midweek off-peak season
5 camping passes with the purchase of an annual pass if purchased
6 during the first three months of the year.

7 (D) Offering of opportunities for purchasers to make a voluntary
8 additional contribution that would be dedicated to support of a
9 particular category of state parks, such as the state’s iconic redwood
10 parks and historical parks that require funding over and above that
11 generated by user fees to sustain the parks in good condition.

12 (b) The department shall report to the Legislature and the
13 Governor on the prioritized action plan required to be developed
14 pursuant to subdivision (a) by January 1, 2013.

15 5019.93. (a) The California State Park Enterprise Fund is
16 hereby created in the State Treasury, and moneys in the fund shall
17 be held in trust, and only be expended for any of the following
18 purposes:

19 (1) To fund the capital costs of construction and installation of
20 new revenue and fee collection equipment and technologies and
21 other physical upgrades to existing state park system lands and
22 facilities.

23 (2) For other costs of restoration and rehabilitation of the state
24 park system and its natural, historical, and visitor-serving resources
25 that are designed to increase revenues and enhance visitation.

26 (3) For the costs to the department to develop and implement
27 the action plan required by Section 5019.92.

28 (b) The sum of twenty-five million dollars (\$25,000,000) shall
29 be transferred from the unexpended balance of bond funds made
30 available to the department pursuant to subdivision (a) of Section
31 75063 pursuant to Proposition 84, the Safe Drinking Water, Water
32 Quality and Supply, Flood Control, River and Coastal Protection
33 Bond Act of 2006 (Division 43 (commencing with Section 75001)),
34 and shall be deposited into the California State Park Enterprise
35 Fund and expended, upon appropriation by the Legislature, for the
36 purposes of subdivision (a).

37 (c) Moneys received by the department from private
38 contributions and other public funding sources may also be
39 deposited into the fund and used for the purposes of this article.

1 SEC. 3. Section 5080.42 of the Public Resources Code is
2 amended to read:

3 5080.42. (a) Notwithstanding any other provision of this
4 article, the department may enter into an operating agreement with
5 a qualified nonprofit organization for the development,
6 improvement, restoration, care, maintenance, administration, or
7 operation of a unit or units, or portion of a unit, of the state park
8 system, as identified by the director. If the department enters into
9 an operating agreement that involves the operation of the entirety
10 of a park unit, that agreement may be entered into pursuant to this
11 section only to the extent that the agreement would enable the
12 department to avoid closure of a unit or units of the state park
13 system that may otherwise be subject to closure. The department
14 may only enter into an operating agreement that involves the
15 operation of the entirety of a park unit for no more than 20 park
16 units. An operating agreement with a qualified nonprofit
17 organization shall include, but shall not be limited to, the following
18 conditions:

19 (1) The district superintendent for the department shall provide
20 liaison with the department, the nonprofit organization, and the
21 public.

22 (2) The nonprofit organization shall annually submit a written
23 report to the department regarding its operating activities during
24 the prior year and shall make copies of the report available to the
25 public upon request. The report shall be available on the Internet
26 Web sites of both the department and the nonprofit organization.
27 The report shall include a full accounting of all revenues and
28 expenditures for each unit of the state park system that the
29 nonprofit organization operates pursuant to an operating agreement.

30 (3) ~~At~~(A) *Except as provided in subparagraph (B), all*
31 *revenues received from a unit shall be expended only for the care,*
32 *maintenance, operation, administration, improvement, or*
33 *development of the unit. The qualified nonprofit organization may*
34 *additionally contribute in-kind services and funds raised from*
35 *outside entities for the care, maintenance, operation, administration,*
36 *improvement, or development of the unit.*

37 (B) *Revenues received from a unit that are in excess of the*
38 *revenues that are needed for the care, maintenance, operation,*
39 *administration, improvement, or development of that unit may be*
40 *dedicated to another state park unit for that unit's care,*

1 *maintenance, operation, administration, improvement, or*
2 *development.*

3 (4) No General Fund moneys shall be provided to a nonprofit
4 organization to subsidize the operation or maintenance of a park
5 unit. This paragraph applies to state parks, the full operation of
6 which are turned over to a nonprofit organization, but does not
7 apply to or preclude the department from entering into agreements
8 with nonprofit organizations to operate a portion of a state park
9 unit, or from entering into comanagement agreements with
10 nonprofit organizations that involve the sharing of operational and
11 financial responsibilities for the park unit and that have the effect
12 of reducing state costs. This paragraph does not apply to park
13 entrance fees, concession revenues, or any other revenues generated
14 within a park operated by a nonprofit organization pursuant to this
15 section.

16 (b) An operating agreement entered into pursuant to subdivision
17 (a) shall honor the existing term of a current concession contract
18 for the state park unit subject to the operating agreement.

19 (c) An operating agreement entered into pursuant to subdivision
20 (a) shall specify the duties that the nonprofit organization shall be
21 responsible for carrying out relative to management and protection
22 of natural, historical, and cultural resources, and shall identify
23 those management duties that shall continue to be conducted by
24 the department, so that all core operations of the park are
25 delineated. Scientific, architectural, and engineering functions that
26 require special expertise or professional training shall only be
27 conducted by or under the supervision of qualified persons with
28 applicable expertise or training and subject to oversight by the
29 department.

30 (d) This section does not supersede the requirements of Section
31 5019.53 regarding the protection of natural, scenic, cultural, and
32 ecological values.

33 (e) The nonprofit organization and the district superintendent
34 for the department shall, following submittal of the annual report
35 pursuant to subdivision (a), hold a joint public meeting for
36 discussion of the report.

37 (f) If the department intends to enter into an operating agreement
38 for the development, improvement, restoration, care, maintenance,
39 administration, or operation of a unit or units, or a portion of a
40 unit, the department shall notify the Member of the Legislature in

1 whose district the unit is located, the Chair of the Senate Committee
2 on Natural Resources and Water, the Chair of the Assembly
3 Committee on Water, Parks and Wildlife, and the chairs of the
4 Assembly and Senate budget committees of that intention. The
5 notification shall include estimated operating costs and revenues
6 and core duties and responsibilities that are likely to be assigned
7 to the nonprofit organization and the department.

8 (g) For purposes of this section, a qualified nonprofit
9 organization is an organization that is all of the following:

10 (1) An organization that is exempt from taxation pursuant to
11 Section 501(c)(3) of the Internal Revenue Code.

12 (2) An organization that has as its principal purpose and activity
13 to provide visitor services in state parks, facilitate public access
14 to park resources, improve park facilities, provide interpretive and
15 educational services, or provide direct protection or stewardship
16 of natural, cultural, or historical lands, or resources.

17 (3) An organization that is in compliance with the Supervision
18 of Trustees and Fundraisers for Charitable Purposes Act, Article
19 7 (commencing with Section 12580) of Chapter 6 of Part 2 of
20 Division 3 of Title 2 of the Government Code.

21 (h) (1) Notwithstanding Section 10231.5 of the Government
22 Code, the department shall provide a report to the Legislature, on
23 a biennial basis, of the status of operating agreements it has entered
24 into pursuant to this section. The report shall include a list of units
25 of the state park system with operating agreements, discussion of
26 the management and operations of each unit subject to an operating
27 agreement, an accounting of the revenues and expenditures incurred
28 under each operating agreement, and an assessment of the benefit
29 to the state from operating agreements entered into pursuant to
30 this section.

31 (2) A report submitted pursuant to paragraph (1) shall be
32 submitted in compliance with Section 9795 of the Government
33 Code.

34 (i) This section shall remain in effect only until January 1, 2019,
35 and as of that date is repealed, unless a later enacted statute, that
36 is enacted before January 1, 2019, deletes or extends that date.

37 SEC. 4. Section 17137 is added to the Revenue and Taxation
38 Code, to read:

39 17137. Gross income does not include any amounts voluntarily
40 paid by an individual as a designation on the tax return for the

1 purchase of a state park day use access pass pursuant to Article
2 13.7 (commencing with Section 18845) of Chapter 3 of Part 10.2.
3 SEC. 5. Article 13.7 (commencing with Section 18845) is
4 added to Chapter 3 of Part 10.2 of the Revenue and Taxation Code,
5 to read:

6
7 Article 13.7. California State Parks Protection Fund

8
9 18845. (a) An individual may designate on the tax return that
10 a contribution in excess of tax liability, if any, be made to the
11 California State Parks Protection Fund established by Section
12 18845.1. That designation is to be used as a voluntary contribution
13 on the tax return in an amount sufficient to cover the cost of an
14 annual state park access pass, as determined by the Department of
15 Parks and Recreation, and including any administrative costs
16 associated with the purchase or issuance of the pass. The access
17 pass shall provide the taxpayer with unlimited day use access to
18 state parks, and shall be valid for the calendar year beginning on
19 January 1 of the calendar year immediately after the calendar year
20 in which the state park access pass is purchased.

21 (b) The contributions shall be in full dollar amounts and may
22 be made individually by each signatory on a joint return.

23 (c) A designation shall be made for any taxable year on the
24 initial return for that taxable year and once made is irrevocable. If
25 payments and credits reported on the return, together with any
26 other credits associated with the taxpayer's account, do not exceed
27 the taxpayer's liability, the return shall be treated as though no
28 designation has been made. If no designee is specified, the
29 contribution shall be transferred to the General Fund after
30 reimbursement of the direct actual costs of the Franchise Tax Board
31 for the collection and administration of funds under this article.

32 (d) If an individual designates a contribution to more than one
33 account or fund listed on the tax return, and the amount available
34 is insufficient to satisfy the total amount designated, the
35 contribution shall be allocated among the designees on a pro rata
36 basis.

37 (e) The Franchise Tax Board shall revise the form of the return
38 to include a space labeled the "California State Parks Protection
39 Fund" to allow for the designation permitted. The form shall also
40 include in the instructions information that the contribution may

1 be in the amount of ____ dollars (\$____) or more to cover the cost
2 of a state park access pass and the contribution shall be used for
3 that purpose. Any amount of the designation that is in excess of
4 the cost of the state park access pass shall be deposited into the
5 California State Parks Protection Fund and used for purposes
6 related to the protection and preservation of state parks. The
7 Franchise Tax Board shall provide necessary information, including
8 the names and addresses of individual taxpayers who made a
9 designation pursuant to subdivision (a), to the Department of Parks
10 and Recreation so that the department may contact the individuals
11 who designated a contribution under this section and implement
12 a procedure for the distribution of state park access passes to those
13 individuals. However, the Franchise Tax Board shall not release
14 any other confidential information relating to an individual's
15 financial status or tax liability in the process of fulfilling its duties
16 under this article.

17 (f) A deduction shall be allowed under Article 6 (commencing
18 with Section 17201) of Chapter 3 of Part 10 for any contribution
19 made pursuant to subdivision (a).

20 18845.1. There is in the State Treasury the California State
21 Parks Protection Fund to receive contributions made pursuant to
22 Section 18845. The Franchise Tax Board shall notify the Controller
23 and the Department of Parks and Recreation of both the amount
24 of money paid by taxpayers in excess of their tax liability and the
25 amount of the refund money taxpayers have designated pursuant
26 to Section 18845 to be transferred to the California State Parks
27 Protection Fund. The Controller shall transfer from the Personal
28 Income Tax Fund to the California State Parks Protection Fund
29 an amount not in excess of the sum of the amounts designated by
30 individuals pursuant to Section 18845.

31 18845.2. All moneys transferred to the California State Parks
32 Protection Fund, upon appropriation by the Legislature, shall be
33 allocated as follows:

34 (a) To the Franchise Tax Board and the Controller for
35 reimbursement of all costs incurred by the Franchise Tax Board
36 and the Controller in connection with their duties under this article.

37 (b) To the Department of Parks and Recreation to cover the
38 costs of the issuance of state park access passes to individual
39 taxpayers who made a designation for that purpose pursuant to

1 subdivision (a) of Section 18845, and for purposes related to the
2 protection and preservation of state parks.

3 SEC. 6. Section 5155 of the Vehicle Code is amended to read:

4 5155. The design criteria for a specialized license plate are as
5 follows:

6 (a) ~~The~~ *Except as provided in Section 5161, the* license plate
7 for a passenger vehicle, commercial vehicle, or trailer shall provide
8 a space not larger than two inches by three inches to the left of the
9 numerical series and a space not larger than five-eighths of an inch
10 in height below the numerical series for a distinctive design, decal,
11 or descriptive message as authorized by this article. The license
12 plates shall be issued in sequential numerical order or, pursuant
13 to Section 5103, in a combination of numbers or letters.

14 (b) Specialized license plates authorized under this article may
15 be issued for use on a motorcycle. That license plate shall contain
16 a five-digit configuration issued in sequential numerical order or,
17 pursuant to Section 5103, in a combination of numbers or letters.
18 There shall be a space to the left of the numerical series for a
19 distinctive design or decal and the characters shall contrast sharply
20 with the uniform background color. A motorcycle plate containing
21 a full plate graphic design is not authorized.

22 (c) Specialized license plates may be issued as environmental
23 license plates, as defined in Section 5103.

24 SEC. 7. Section 5161 is added to the Vehicle Code, to read:

25 5161. (a) The department, in consultation with the Department
26 of Parks and Recreation, shall design and make available for
27 issuance pursuant to this article special state parks environmental
28 design license plates as described in this section. Notwithstanding
29 Section 5155, the special state parks environmental design license
30 plates shall bear a full-plate graphic design depicting a California
31 redwood tree design as an iconic feature of California's state park
32 system, as approved by the Department of Parks and Recreation.
33 The Department of Parks and Recreation may accept and use
34 donated artwork from California artists for purposes of this
35 requirement. Any person described in Section 5101 may, upon
36 payment of the additional fees set forth in subdivision (b), apply
37 for and be issued a set of special state parks environmental design
38 license plates. The special state parks environmental design license
39 plates may be issued as environmental license plates, as defined
40 in Section 5103.

1 (b) In addition to the regular fees for an original registration or
2 renewal of registration, the following additional fees shall be paid
3 for the issuance, renewal, or transfer of the special state parks
4 environmental design license plates authorized pursuant to this
5 section:

6 (1) For the original issuance of the plates, fifty dollars (\$50).

7 (2) For a renewal of registration with the plates, forty dollars
8 (\$40).

9 (3) For transfer of the plates to another vehicle, fifteen dollars
10 (\$15).

11 (4) For each substitute replacement plate, thirty-five dollars
12 (\$35).

13 (5) In addition, for the issuance of environmental license plates,
14 as defined in Section 5103, with a full-plate graphic design
15 described in subdivision (a), the additional fees prescribed in
16 Sections 5106 and 5108. The additional fees prescribed in Sections
17 5106 and 5108 shall be deposited in the Environmental License
18 Plate Fund.

19 (c) Except as provided in paragraph (5) of subdivision (b), and
20 after deducting its administrative costs under this section, the
21 department shall deposit the additional revenue derived from the
22 issuance, renewal, transfer, and substitution of special
23 environmental design license plates, and from the sale of park
24 access pass stickers in the California State Parks Account, which
25 is hereby created in the Specialized License Plate Fund. Upon
26 appropriation by the Legislature, the money in the account shall
27 be allocated by the Controller to the Department of Parks and
28 Recreation for expenditure for the exclusive trust purposes of
29 preservation and restoration of California state parks.

30 (d) The Department of Parks and Recreation shall collect and
31 hold applications for the special state parks environmental license
32 plates described in this section. The department shall not be
33 required to make the special state parks environmental license
34 plates available for issuance pursuant to this section until the
35 Department of Parks and Recreation has submitted not less than
36 7,500 applications for the plates to the department.

37 SEC. 8. This act is an urgency statute necessary for the
38 immediate preservation of the public peace, health, or safety within
39 the meaning of Article IV of the Constitution and shall go into
40 immediate effect. The facts constituting the necessity are:

1 In order to protect state parks that are threatened with imminent
2 closure and begin addressing state park revenue shortfalls as soon
3 as possible, it is necessary that this act take effect immediately.

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6 **CORRECTIONS:**

7 **Heading—Coauthors—Page 1.**

8 **Text—Page 8.**

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