

AMENDED IN ASSEMBLY MAY 3, 2012
AMENDED IN ASSEMBLY APRIL 26, 2012
AMENDED IN ASSEMBLY APRIL 9, 2012
AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1916

Introduced by Assembly Member Buchanan
(Coauthors: Assembly Members Bonilla and Skinner)
(Coauthor: Senator DeSaulnier)

February 22, 2012

An act to add Section 5080.36.2 to the Public Resources Code, relating to state parks, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1916, as amended, Buchanan. State parks: operating agreements: Mount Diablo State Park.

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

This bill would authorize the department to enter into a restoration agreement with Save Mount Diablo, a nonprofit organization, for the purpose of restoring the beacon on top of the Summit Building in Mount

Diablo State Park, and would require that the agreement comply with specified requirements.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Mount Diablo State Park.

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

Vote: ~~majority~~^{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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The California state park system was created for the purposes
- 4 of preserving outstanding natural, scenic, and cultural values,
- 5 including the historic significance of units of the state park system.
- 6 (b) Mount Diablo State Park is one of the oldest parks in the
- 7 state park system. The park was created by legislation and
- 8 dedicated in 1921, and rededicated again in 1931, at the time the
- 9 park’s first parcels of land were acquired.
- 10 (c) The annual budget for the state park system, as a whole, has
- 11 been inadequate to maintain the existing units of the system, and
- 12 the ongoing shortfall has caused a backlog of deferred maintenance
- 13 at the parks.
- 14 (d) The “Eye of Diablo” Beacon sits atop Mount Diablo. It was
- 15 originally installed in 1928 by Standard Oil of California on a steel
- 16 tower, approximately 75 feet west of its current location. The “Eye
- 17 of Diablo” Beacon was originally intended to serve as an aid to
- 18 aerial navigation. Using a remote switch from Denver, Colorado,
- 19 Colonel Charles Lindbergh simultaneously lit the “Eye of Diablo”
- 20 Beacon and a similar beacon located near Los Angeles on October
- 21 14, 1928.
- 22 (e) The Visitor’s Center Building at Mount Diablo State Park
- 23 was constructed from 1939 to 1942, inclusive, by the Diablo
- 24 Conservation Corps, a part of the Civilian Conservation Corps.
- 25 The building was designed specifically to accommodate the beacon
- 26 atop the tower of the building, and the beacon was relocated to
- 27 that location. The beacon was turned off on December 8, 1941, on
- 28 the day after the attack on Pearl Harbor, in observance of the West
- 29 Coast blackout and in recognition of the fear of Japan’s attack on

1 the United States coast. In 1964, a group of local engineers restored
2 the beacon to operating condition, and on December 7, 1964,
3 Admiral Chester W. Nimitz pressed the switch to relight the beacon
4 to commemorate the survivors of the bombing of Pearl Harbor.
5 The beacon is only lighted on December 7th (Pearl Harbor Day)
6 for this purpose.

7 (f) In 1971, Save Mount Diablo (SMD) was incorporated as a
8 nonprofit 501(c) organization, dedicated to preserving Mount
9 Diablo's peaks, and the surrounding foothills and watersheds,
10 through land acquisition and preservation strategies designed to
11 protect the mountain's natural beauty, biological diversity, and
12 historic and agricultural heritage, to enhance the area's quality of
13 life, and to provide recreational opportunities consistent with
14 protection of natural resources.

15 (g) Save Mount Diablo is a cosponsor for the annual lighting
16 of the beacon each Pearl Harbor Day.

17 (h) The annual lighting of the Mount Diablo Beacon is an
18 important reminder of a significant time in our history, and should
19 be restored and kept operational.

20 SEC. 2. Section 5080.36.2 is added to the Public Resources
21 Code, to read:

22 5080.36.2. (a) Notwithstanding any other provision of this
23 article, the department may enter into a restoration agreement with
24 Save Mount Diablo, a nonprofit organization, for the purpose of
25 restoring the Mount Diablo Beacon on top of the Summit Building
26 in Mount Diablo State Park. The agreement shall include, but is
27 not limited to, all of the following:

28 (1) A requirement that the restoration agreement shall follow
29 the United States Secretary of the Interior's Standards for the
30 Treatment of Historic Properties guidelines and the guidelines set
31 forth by the American Institute for Conservation of Historic and
32 Artistic Works.

33 (2) A requirement that the restoration agreement shall also
34 comply with any applicable code of ethics or guidelines for practice
35 governing the rehabilitation and preservation of historical sites
36 and buildings. All plans for the work, the work in process, and the
37 finished work shall be audited by a conservator company pursuant
38 to a contract with the company.

1 (3) All costs of the restoration of the Mount Diablo Beacon shall
2 be incurred under the authority of, and be the responsibility of,
3 Save Mount Diablo.

4 (b) The restoration agreement that the department is authorized
5 to enter into with Save Mount Diablo pursuant to subdivision (a)
6 is intended to cover restoration work performed primarily by
7 volunteers. However, nothing in this section shall preclude Save
8 Mount Diablo from contracting for work performed by an
9 individual or entity on a paid or for-profit basis.

10 *SEC. 3. The Legislature finds and declares that a special law*
11 *is necessary and that a general law cannot be made applicable*
12 *within the meaning of Section 16 of Article IV of the California*
13 *Constitution because of the unique circumstances involving the*
14 *beacon at Mount Diablo State Park.*

15 *SEC. 4. This act is an urgency statute necessary for the*
16 *immediate preservation of the public peace, health, or safety within*
17 *the meaning of Article IV of the Constitution and shall go into*
18 *immediate effect. The facts constituting the necessity are:*

19 *The beacon atop Mount Diablo is in a state of complete disrepair*
20 *and is inoperable. The beacon needs to be repaired prior to*
21 *December 7, 2012, in order to host the annual Pearl Harbor*
22 *Memorial ceremony. The beacon has been lit every year on*
23 *December 7 since 1964. This will be the first year that the*
24 *ceremony won't be able to take place because the beacon is*
25 *inoperable. The Pearl Harbor survivors are elderly and for many*
26 *of them this may be the last year that they will be alive to*
27 *commemorate their fallen peers.*