

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 25, 2011

SENATE BILL

No. 386

Introduced by Senator Harman

February 15, 2011

An act to add and repeal ~~Section 5080.42~~ of *Section 5080.42* to the Public Resources Code, relating to state parks, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 386, as amended, Harman. State parks: proposed closures: ~~operation and maintenance contracts~~. *public notice*.

(1) Existing law authorizes the Department of Parks and Recreation to enter into agreements between the department and federal and local governments and other public agencies for the care, maintenance, administration, and control of lands under the jurisdiction of any party to this agreement for the purpose of the state park system, as prescribed.

This bill would ~~prohibit the department, until June 30, 2013, from closing any unit of the state park system, unless the department provides written notice to the Legislature of the proposed closure, and has prepared an invitation to bid for a contract for the operation and maintenance of the unit of the state park system, as specified~~ *require the department to post on its Internet Web site, at least 30 days prior to the date the department plans to close a unit of the state park system to public access, specified information about the proposed park closure, including information about how to contact the department in writing if an individual or other party is interested in entering into negotiations with the department for a contract or agreement to lease, operate, maintain, or provide concessions at a unit of the state park system that*

is proposed to be closed. The bill would require the department to respond in writing to any inquiry received in connection with the information provided pursuant to those provisions.

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

Vote: $\frac{2}{3}$. 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 5080.42 is added to the Public Resources
2 Code, to read:

3 ~~5080.42.— (a) The department shall not close any unit of the~~
4 ~~state park system, unless the department complies with both of the~~
5 ~~following requirements:~~

6 ~~(1) Provides written notice to the Legislature of a proposed~~
7 ~~closure of a unit of the state park system.~~

8 ~~(2) Has prepared an invitation to bid for a contract for the~~
9 ~~operation and maintenance of a unit of the state park system that~~
10 ~~is proposed to be closed, consistent with the requirements of this~~
11 ~~article, within 30 days from the date that the department provided~~
12 ~~notice to the Legislature pursuant to paragraph (1) of the proposed~~
13 ~~closure.~~

14 ~~(b) If the department is unable to find a responsible bidder for~~
15 ~~a contract to operate and maintain a unit of the state park system~~
16 ~~that is proposed to be closed pursuant to subdivision (a), it may~~
17 ~~consider bundling a contract or contracts for one or more units of~~
18 ~~the state park system, if it is in the best interests of the state to do~~
19 ~~so.~~

20 ~~(c) The department shall also consider offering a contract for~~
21 ~~bid for the operation and maintenance of a unit of the state park~~
22 ~~system that is not proposed to be closed, but for which the~~
23 ~~department has proposed to reduce the park unit’s operating hours.~~

24 ~~(d) Any contract entered into pursuant to this section shall~~
25 ~~include all of the following:~~

26 ~~(1) A requirement that the operator of the unit of the state park~~
27 ~~system maintain the resource values and overall natural character~~
28 ~~of the unit.~~

1 ~~(2) If the commission has approved a general development plan~~
2 ~~for the unit of the state park system, a requirement that the unit be~~
3 ~~maintained and operated consistent with that plan.~~

4 ~~(3) A clause prohibiting the construction of facilities at a unit~~
5 ~~of the state park system without the authorization of the~~
6 ~~department.~~

7 ~~(e) This section shall become inoperative on June 30, 2013, and,~~
8 ~~as of January 1, 2014, is repealed, unless a later enacted statute,~~
9 ~~that becomes operative on or before January 1, 2014, deletes or~~
10 ~~extends the dates on which it becomes inoperative and is repealed.~~

11 *5080.42. (a) The department shall post on its Web site, at least*
12 *30 days prior to the date the department plans to close a unit of*
13 *the state park system to public access, all of the following*
14 *information:*

15 *(1) The name of the park system unit proposed to be closed.*

16 *(2) The approximate date of proposed closure.*

17 *(3) Information about how to contact the department in writing*
18 *if an individual or other party is interested in entering into*
19 *negotiations with the department for a contract or agreement to*
20 *lease, operate, maintain, or provide concessions at a unit of the*
21 *park system that is proposed to be closed.*

22 *(b) The department shall respond in writing to any inquiry*
23 *received in connection with the information provided pursuant to*
24 *subdivision (a).*

25 SEC. 2. This act is an urgency statute necessary for the
26 immediate preservation of the public peace, health, or safety within
27 the meaning of Article IV of the Constitution and shall go into
28 immediate effect. The facts constituting the necessity are:

29 In order that statutory changes are made to ~~allow~~ *require* the
30 Department of Parks and Recreation to ~~enter into contracts to~~
31 ~~reduce the operating and maintenance costs at units of the state~~
32 *provide timely notice to the public on its Internet Web site of*
33 *proposed closures of units of the state park system at the earliest*
34 *possible time, it is necessary that this act take effect immediately.*