

AMENDED IN SENATE MAY 1, 2012
AMENDED IN SENATE APRIL 11, 2012

SENATE BILL

No. 974

Introduced by Senator Evans

(Coauthors: Assembly Members Achadjian, Alejo, Blumenfield,
Monning, V. Manuel Pérez, and Yamada)

January 19, 2012

An act to add Sections 5080.45 and 5080.46 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 974, as amended, Evans. State parks: proposed closures.

Existing law authorizes the Department of Parks and Recreation to enter into agreements between the department and the 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 require the department, by July 1, 2013, to conduct a review of the parks that are closed on July 1, 2012, or that are proposed, as of that date, for future closure. The bill would also require the review process required to be conducted pursuant to those provisions to include specified elements. The bill would require the department, by July 1, 2013, and by July 1 of each year thereafter, to make a determination on the status of any state park that may be scheduled for future closure, based on the above-described park closure review process. The bill would require the department, no later than July 1, 2013, with respect to any park that is closed on or after July 1, 2012, to prepare a plan for the reopening of that unit of the state park system

or transfer of the unit to another public agency that has the ability to reopen and operate the park, including specified information.

The bill would require the department, no later than January 1, 2014, and by January 1 of each year thereafter *so long as any unit of the state park system remains closed or is designated for closure due to budgetary restrictions*, to prepare and submit to the Legislature a master parks reopening plan, which sets out priority actions and determines a process for reopening any park that has been temporarily closed, to the extent that circumstances permit, as prescribed.

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. It is the intent of the Legislature to enact
2 legislation that will facilitate the reopening of state parks that have
3 been temporarily closed as a result of California’s fiscal crisis, at
4 the earliest possible time.

5 SEC. 2. Section 5080.45 is added to the Public Resources Code,
6 to read:

7 5080.45. (a) The department shall, by July 1, 2013, conduct
8 a review of the parks that are actually closed on July 1, 2012, or
9 that are proposed as of July 1, 2012, for future closure.

10 (b) The review of park closures required to be conducted
11 pursuant to subdivision (a) shall include all of the following
12 elements:

13 (1) An examination of proposed park closures recommended
14 ~~on the basis of a decision matrix developed~~ by the department,
15 which includes the criteria mandated by Section 5007.

16 (2) An analysis of economic impacts on local communities
17 resulting from a proposed park closure.

18 (3) A formal determination by the department as to whether an
19 analysis is needed under Division 13 (commencing with Section
20 21000). The analysis, if necessary, shall be conducted by the
21 department.

22 (4) Consideration of the costs of park closures, including, *but*
23 *not limited to*, estimations of future costs for deferred maintenance,
24 liability, and security.

25 (5) An examination by the department of acquisition agreements
26 entered into by the department and federal government pursuant

1 to the California Wildlife, Coastal, and Park Land Conservation
2 Act (Division 5.8 (commencing with Section 5900)) to ensure that
3 those agreements are being honored and public access to the coast
4 is being protected.

5 (6) Provisions for the conduct of at least two public hearings,
6 during which there is an opportunity for public comment and input.
7 One of those meetings shall be held in northern California, and
8 one shall be held in southern California. Public input and comments
9 from those meetings, *or submitted to the department in writing*
10 *within 30 days of the meetings*, shall be considered by the
11 department in making any future park closure decisions.

12 ~~(7) The minutes of any meetings of the department discussing~~
13 ~~park closures shall be maintained and made available to the public,~~
14 ~~upon request.~~

15 ~~(8)~~

16 (7) Consideration and documentation of any other cost savings
17 measures that may be taken to prevent park closures and meet the
18 department's budgetary goals.

19 (c) By July 1, 2013, and by July 1 of each year thereafter, the
20 department shall make a determination on the status of any state
21 park that may be considered for future closure, based on the park
22 closure review process set forth in subdivision (b).

23 (d) (1) *The department shall prepare a report that includes,*
24 *for each park proposed for closure, information supporting the*
25 *basis for that closure recommendation pursuant to the criteria*
26 *prescribed in subdivision (b), and any other relevant factors*
27 *considered. A park closure report prepared pursuant to this*
28 *subdivision shall be posted on the department's Internet Web site*
29 *and there shall be a public comment period of 30 days following*
30 *the date of release of the report. The department shall respond, in*
31 *writing, to all public comments received within 60 days of the close*
32 *of the comment period. The department's response to comments*
33 *shall also be posted on its Internet Web site.*

34 (2) *The report prepared pursuant to paragraph (1) shall comply*
35 *with Section 9795 of the Government Code.*

36 ~~(e)~~

37 (e) (1) No later than July 1, 2013, with respect to any park that
38 is closed on or after July 1, 2012, the department shall prepare a
39 plan for the reopening of that unit of the park system ~~or a transfer~~
40 ~~of the unit to another public agency that has the ability to reopen~~

1 ~~and operate the park.~~ The plan shall include, at a minimum, all of
2 the following:

3 (A) A description of any work that needs to be completed in
4 order to reopen the park and address safety and health issues.

5 (B) A summary of resource protection issues, expected park
6 usage, and revenue projections.

7 (C) Recommendations for staffing, maintenance, revenue
8 generation projects, resource restoration, *potential operating*
9 *partners*, and community involvement at the unit of the park
10 system.

11 (D) *A consideration of alternative strategies that may facilitate*
12 *reopening the unit, including the transfer of the unit to another*
13 *public entity.*

14 (2) The department shall annually update any plan prepared
15 pursuant to this subdivision *if needed*, and shall post a copy of the
16 plan on its Internet Web site.

17 (e)

18 (f) This section does not affect or interfere with any existing
19 agreements between the department and federal or local agencies
20 and nonprofits to operate any unit of the state park system that was
21 identified for closure in the May 2011 state park closure list, if
22 those contractual agreements have not expired.

23 SEC. 3. Section 5080.46 is added to the Public Resources Code,
24 to read:

25 5080.46. (a) No later than January 1, 2014, and by January 1
26 annually thereafter *so long as any unit of the state park system*
27 *remains closed or is designated for closure due to budgetary*
28 *restrictions*, the department shall prepare and submit to the
29 Legislature a master parks reopening plan, which sets out priority
30 actions and determines a process for reopening any park that has
31 been closed, to the extent that circumstances permit. The plan shall
32 consider ways to facilitate the reopening of any closed park through
33 the use of department staff and resources, or operating agreements
34 with nonprofit organizations or public agencies. The plan prepared
35 pursuant to this subdivision shall be posted on the department's
36 Internet Web site.

37 (b) The plan shall consider the following criteria in prioritizing
38 which parks shall be reopened:

39 (1) Whether a park had or may enter into operating agreements
40 with nonprofit organizations, and had *prior to closure or may have*

1 *in the future* significant community support ~~prior to closure~~ as
2 demonstrated through community involvement and donations. The
3 department shall give priority to reopening parks that have a record
4 of using operating agreements with nonprofit organizations for
5 park operations, significant donations, and community support.

6 (2) The impact of a park closure, including economic impacts
7 of a closure, on nearby communities.

8 (3) An evaluation of the potential for the reduction of
9 environmental and economic costs of deteriorating facilities,
10 liability, and security concerns relating to the reopening of a
11 particular park.

12 (4) Whether the reopening of a park would result in the reduction
13 of illegal activity and resource degradation.

14 ~~(5) Whether there is involvement by community organizations
15 and ongoing financial support by donors for the maintenance of
16 park operations.~~

17 (c) Nothing in this section is intended to prevent the department
18 from reopening any unit of the state park system that has been
19 closed where any source of nongovernmental funding has been
20 secured to maintain and operate that unit.